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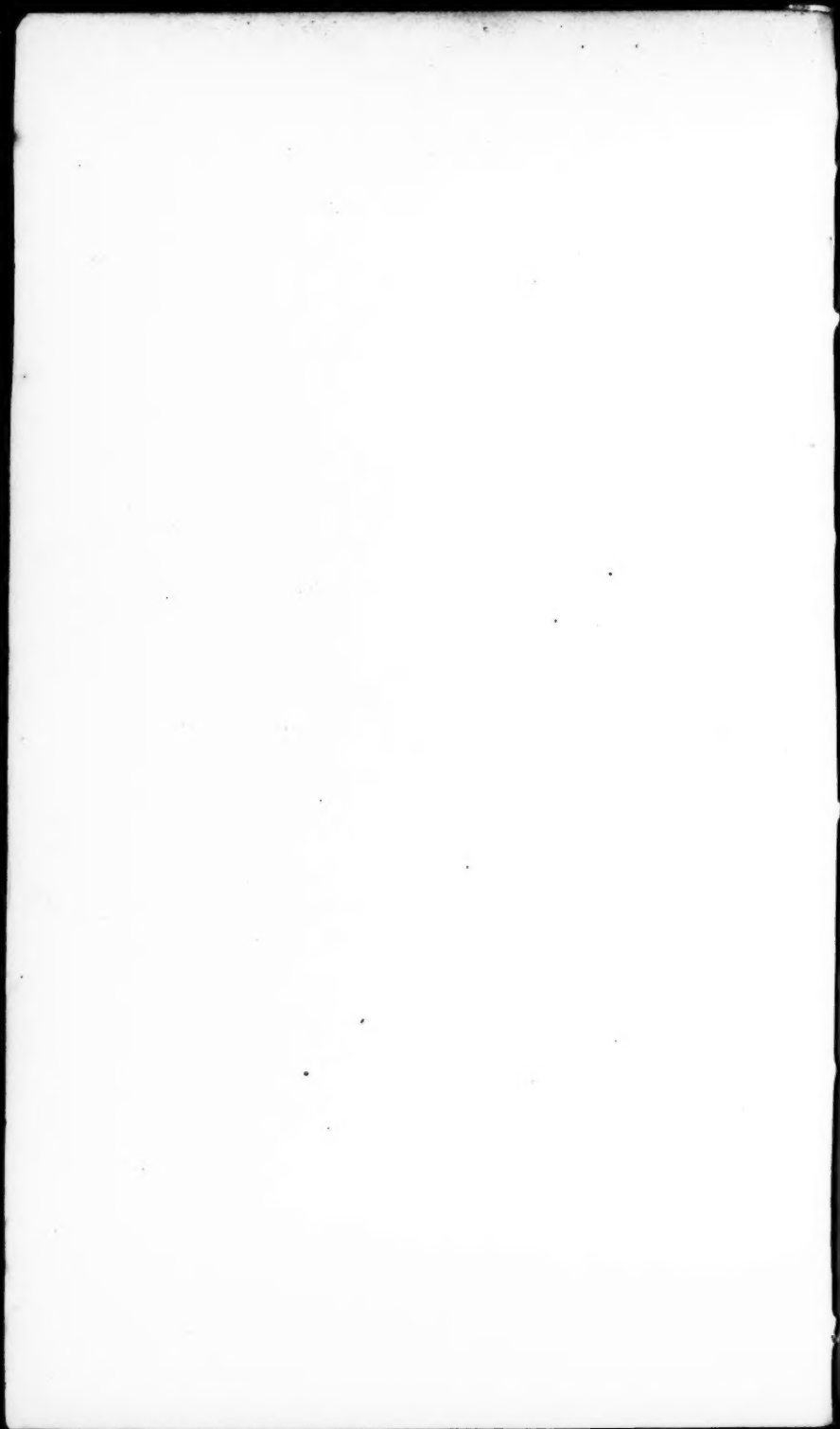
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CONTENTS OF No. LXIX.

ART.

PAGE.

- I.—1. Rapports au Ministre de l'Instruction Publique, sur les Bibliothèques des Départements de l'Ouest. Par M. FELIX RAVAISSON, Inspecteur Général des Bibliothèques du Royaume. Paris, Joubert, 1841.
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3. De la Bibliothèque Royale et de la nécessité de commencer, achever, et publier le Catalogue Général des Livres imprimés. Par M. PAULIN PARIS, Membre de l'Institut, Conservateur-adjoint au département des manuscrits de la Bibliothèque Royale. Paris, Teche-ner, 1847.
4. Lettre de M. Naudet, (vide "Moniteur," 13 Mai.)
5. Réponse de M. Libri au Rapport de M. Boucly, "publié dans le "Moniteur Universel" du 19 Mai, 1848. London, Schultz and Co., 1848.
6. Lettre à M. de Falloux, Ministre de l'Instruction publique et des Cultes. Par G. LIBRI, Membre de l'Institut, &c. Paris, Paulin, 1849.
7. Lettre à M. Libri, Membre de l'Institut, &c., au sujet de quelques Passages de sa Lettre à M. de Falloux, relatifs à la Bibliothèque Nationale. Par J. NAUDET, Membre de l'Institut, Administrateur Général de la Bibliothèque. Paris, Crapelet, 1849.
8. Acte d'Accusation contre Libri Carucci. "Moniteur Universel."
9. Lettre de M. Libri à M. Barthélmy St. Hilaire, Administrateur du Collège de France. London, Barthès et Lowell, 1850.
10. Lettre de M. Libri à M. le Président de l'Institut de France. London, Barthès et Lowell, 1850.

CONTENTS.

ART.

PAGE

11. Lettre au bibliophile Jacob, au sujet de l'étrange Accusation intentée contre M. Libri, Membre de l'Institut, contenant des Recherches, &c. Par G. BRUNET. Paris, Paulin, 1849.
 12. Lettre à M. Paul Lacroix, (Bibliophile Jacob)...contenant un curieux Episode de l'Histoire des Bibliothèques publiques, &c. Par ACHILLE JUBINAL. Paris, Paulin, 1849.
 13. Lettres à M. Hatton, juge d'instructions, au sujet de l'incroyable Accusation intentée contre M. Libri, contenant de curieux Détails sur toute cette Affaire. Par M. PAUL LACROIX, (Bibliophile Jacob,) Membre de la Commission des Monuments historiques, &c. Paris, Paulin, 1849.
 14. Les Cent et une. Lettres Bibliographiques. (4 livraisons.) Par M. PAUL LACROIX. Paris, Paulin, 1849-50.
 15. Mémoire sur la Persécution qu'on fait souffrir en France à M. Libri. Par M. RANIERI LAMPORECCHI, Président de l'Ordre des Avocats Toscans, &c., &c., &c. London, Barthès et Lowell, 1850.
 16. Une Lettre inédite de Montaigne. Par ACHILLE JUBINAL, ex-professeur de Faculté. Paris, Didron, 1850.
 17. Encore une Lettre inédite de Montaigne. Par FR. LEPELLE DE BOIS-GALLAIS. London, Barthès et Lowell, 1850.
 18. Réponse de la Bibliothèque Nationale à M. Feuillet de Conches. Par M. NAUDET. Paris, Panckoucke, 1851.
 19. Un Nouvel Episode de l'Affaire Libri. Par M. ACHILLE JUBINAL. Paris, Didron, 1851.
 20. Revue des deux Mondes. Tome XIV. 15 Avril, 1852.
—Art. 5. Le Procès de M. Libri. Par M. PROSPER MERIMEE. 1
- II.—1. La France et la Russie à Constantinople. La Question des Lieux Saints. Par M. POUJOULAT, l'un des deux Auteurs de la Correspondance d'Orient. Amyot. Paris, 1853.
2. Constantinople et l'Empire Ottoman. 2 vols. 8vo. Amyot. Paris, 1853.

CONTENTS.

ART.	PAGE
3. <i>Négociations de la France dans le Levant.</i> Par M. CHARRIERE. Amyot, Paris, 1853.	69
III.—1. Discoveries in the Ruins of Nineveh and Babylon ; with Travels in Armenia, Kurdistan, and the Desert, being the result of a Second Expedition undertaken for the Trustees of the British Museum. By AUSTIN H. LAYARD, Esq., M.P. With Maps, Plans, and Illustrations. London : John Murray, Albemarle Street, 1853.	93
IV.—1. Narrative of a Journey round the Dead Sea, and in the Bible Lands, in 1850, and 1851. By F. DE SAULCY, Member of the French Institute. Edited, with Notes, by Count Edward de Warren. 2 vols. 8vo. London : Bentley, 1853.	
2. A Religious Journey in the East in 1850, and 1851. By the Abbé de St. Michon. 8vo. London, Bentley, 1853.	
3. Narrative of the United States Expedition to the River Jordan, and the Dead Sea. By W. F. LYNCH, U. S. N. Commander of the Expedition. London, Bentley, 1852.	139
V.—The Law of England with relation to Moral Theology —The Law Reports of 1853.	172
VI.—1. <i>Beatrice.</i> By CATHERINE SINCLAIR, 3 Vols. London, Bentley, 1852.	
2. <i>London Homes.</i> By CATHERINE SINCLAIR, 3 Vols. London, Bentley, 1852.	199
VII.—1. Address to the Clergy of the Diocese of Dublin and Glandalagh and Kildare, on the recent changes in the system of Irish National Education. By RICHARD WHATELY, D.D., Archbishop of Dublin, 8vo. London : Parker, 1853.	
2. <i>Conversions and Persecutions : A Charge delivered at the triennial Visitation of the Province of Dublin in the year 1853.</i> By RICHARD WHATELY, D.D., 8vo. London : Parker, 1853.	
3. <i>Reports of the Commissioners of National Education in Ireland, from the year 1834 to 1851 inclusive,</i> 7 vols. 8vo. Dublin : H. M. Stationery Office, 1851-2.	

CONTENTS.

ART.

PAGE

4. The Nineteenth Report of the Commissioners of National Education in Ireland, (for the year 1852,) with Appendices. Vol. I. Dublin : Thom and Sons, 1853.
5. Lessons on the Truth of Christianity : being an Appendix to the Fourth Book of Lessons. For the use of Schools, 18mo. Dublin : Published by Direction of the Commissioners of National Education in Ireland, 1850.
6. Introductory Lessons on Christian Evidences. Tenth Edition. Revised and enlarged, 18mo. London, Parker, 1849.
7. Introductory Lessons on the History of Religious Worship. Being a sequel to the "Lessons on Christian Evidences." By the same author. Second edition, 18mo. London : Parker, 1849.
8. Scripture Lessons for the use of Schools. Old Testament, 2 vols. 12mo. Dublin, 1850.
9. Scripture Lessons for the use of Schools. New Testament, 2 vols. 12mo. Dublin, 1850.
10. Sacred Poetry, adapted to the understanding of Children and Youth. Dublin, 1845. ... 229

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- ART. I.—1. *Rapports au Ministre de l'Instruction Publique, sur les Bibliothèques des Départements de l'Ouest.* Par M. FELIX RAVAISON, Inspecteur Général des Bibliothèques du Royaume. Paris, Joubert, 1841.
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4. *Lettre de M. Naudet, (vide "Moniteur," 13 Mai.)*
5. *Réponse de M. Libri au Rapport de M. Boucley,* publié dans le "Moniteur Universel" du 19 Mai, 1848. London, Schultz and Co., 1848.
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8. *Acte d'Accusation contre Libri Carucci.* "Moniteur Universel."
9. *Lettre de M. Libri à M. Barthélemy St. Hilaire, Administrateur du Collège de France.* London, Barthès et Lowell, 1850.
10. *Lettre de M. Libri à M. le Président de l'Institut de France.* London, Barthès et Lowell, 1850.

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18. *Réponse de la Bibliothèque Nationale à M. Feuillet de Conches.* Par M. NAUDET. Paris, Panckoucke, 1851.
19. *Un Nouvel Episode de l'Affaire Libri.* Par M. ACHILLE JUBINAL. Paris, Didron, 1851.
20. *Révue des deux Mondes. Tome XIV. 15 Avril, 1852.—Art. 5. Le Procès de M. Libri.* Par M. PROSPER MERIMEE.

A MONGST the "causes célèbres" of our time the prosecution directed against M. Libri will occupy a conspicuous place, and the interest attaching to it will always be supported by the courage, bibliographical learning, wit and ability with which he and his friends have sustained their part in the polemic. This monster process will also prove a curious and instructive source of information to future examiners into the undercurrent of facts which more truly illustrate the state of society, and portray the character of prominent actors on the theatre of politics, than the greater and more patent incidents which lie on the very surface of history. But there is more at stake on the verdict of posterity in this remarkable case than the reputation of the Provisional Government, of M. Arago, of M. Libri, or of any other individual whose acts or motives may be called in question. It will, in fact, be seen

as we proceed that the administration of justice in France, since the revolution of 1848, is inculcated by a weight of authority and a mass of evidence which, if successfully met, will leave only the sad alternative of a state of society anterior to the revolution, in which it was possible for a man occupying the eminent position of M. Libri to rifle the public libraries systematically during many years, and to an almost fabulous extent; the fact being a matter of common notoriety, and he secure from any except anonymous denunciation, through the fear of the consequences of attacking a man "*puissant et rusé qui savait en imposer et se faire craindre.*"

The long list of pieces and pamphlets which we have prefixed to this article, extending to upwards of 1700 pages, are all worthy of perusal, and the case will still admit of further details and elucidations. It is, therefore, evidently necessary to forbear reflections, and to confine ourselves to what is necessary, to enable the reader to judge of the main point at issue. Is M. Libri guilty of having formed one of the richest private collections of books, autographs, and MSS. of modern times, by the wholesale pillage of the public libraries of France; and if not, to what shall we attribute the prosecution which has been levelled against him for such a crime? If we credit the act of accusation,* we are bound, whilst our laws accord to the accused the protection of our flag, to inflict upon him all the social disgrace, which will as amply fulfil the vengeance of outraged morality as the most vindictive sentence of a criminal court. If we credit M. Libri, and the host of eminent men in every country of Europe† who

* A French *acte d'accusation* is so totally different in form and spirit from an English indictment, that we should only be suggesting a parallel which has no real existence if we were to do more than Anglicize the words.

† In the Appendix to his letter to M. Falloux, M. Libri prints articles and justificatory pieces from the pen of Mr. Holmes, Mr. Panizzi, and Professor de Morgan; from M. Lacroix, (Bibliophile Jacob,) and from many other eminent men in France, whose names were, under the circumstances of the times, prudently concealed; from Encke and Brandes of Berlin; and, notwithstanding their political differences with M. Libri, from Count Mamiani and Gioberti; the Faculty of Law of the University of Pisa also took the unusual course of adhering, by a vote of the Faculty, to the

have accorded him their sympathy and friendship, and have voluntarily undertaken his defence, sometimes, as in the case of M. Merimée,* not only at their own personal danger, but at the actual cost of fine and imprisonment, we are bound, as members of the republic of letters, and yet more, as lovers of justice, to receive M. Libri with all the honours due to his scientific attainments.

M. Libri, of a noble Tuscan family, was born in Florence in 1803. He studied at the University of Pisa. When he was but seventeen years old he produced a paper on the theory of numbers, which attracted the attention of Cauchy, who wrote to compliment him upon it. At twenty years of age he filled the Chair of Mixed Mathematics at the same University. His health shortly compelled him to resign this appointment, but the Grand Duke insisted on his retaining the title of Professor, and the salary attached to the office. In 1824 the Academy of Sciences, one of the five Academies of the Institute, approved for publication two mathematical papers by him, one of which only was actually published in the series ordinarily quoted as *Mémoires des Savans Etrangers*. These pieces were specially eulogised by the illustrious Fourier in the report of the year. This was also the epoch of his first visit to Paris, where the learning and conversational powers of the accomplished Italian con-

protest of M. Lamporecchi against the unfairness and illegality of the prosecution. All this is independent of the active part which other eminent persons, as will be seen hereafter, have taken in his defence, and of all authors of separate publications.

* M. Merimée, of the Institute, was condemned to fifteen days imprisonment for the pungent contribution to the *Revue des deux Mondes* which is in the list at the head of this article. The judge who sentenced him laid particular stress on the following passage: "Je serais tenté de croire qu'un acte d'accusation se rédige d'après les mêmes principes qu'un *roman* ou un *mélodrame*, où l'*art*, non la vérité, est la principale affaire. S'il en est ainsi je crois avoir le droit de critiquer l'acte d'accusation contre M. Libri. Jadis j'ai fait des romans, et je ne sors pas de ma compétence en appréciant une œuvre d'imagination." And M. Merimée wittily suggests, as a plausible theory for accounting for the ignorance of bibliography and the perversion of law which characterize the document, that the bibliographical part was the work of the judges, and the legal part that of the literary commission which had been appointed to assist them.

firmed and adorned the reputation which he had previously acquired. He withdrew himself however from the charms of the most witty and brilliant society of Europe, to pursue the literary and mathematical studies to which he had become a devotee, and at this early age of his career excited the surprise, perhaps the contempt, of the savans of the Academy, by his taste for old books, scarce editions, and the literature and history of science.

Those who are acquainted with the works of the great French mathematicians of the period, cannot but have noticed that their writings do not contain those acknowledgments of the labours of their predecessors which their subject would appear, in courtesy and fairness, to call for. Lost in the generalizations and abstractions of the higher calculus on the one hand, or pursuing the more popular applications of science on the other, they somewhat ungratefully ignored the steps by which they had learned to mount; nor are there wanting indications of a still more reprehensible spirit, and we cannot but sometimes refer the silence of the French mathematicians of the period, as to the advances made by their predecessors and contemporaries, to something less excusable than forgetfulness.

In such a temper of the learned world in Paris, it need not be said that historical research would remain uncultivated, and perhaps distasteful. But this was the very walk which M. Libri pursued with singular assiduity and success. His *Histoire des Sciences Mathématiques en Italie*, the first two vols. of which were published in 1838, proves that he must, for many previous years, have searched far and wide for his materials; and we echo only the opinion of all competent judges in asserting that there exists no formally historical account of mathematical science during the period which this history embraces that can at all compete with this extraordinary work for rare learning and original research. If an individual writer may presume to comment so freely on the opinions of very competent judges, we would add that this most interesting production has not yet met with the appreciation it deserves, or the fame which it will ultimately acquire. At the same time, we must not be understood to partake, in the slightest degree, of M. Libri's views on matters of a higher moment. We have always regretted to find this great work disfigured by its irreligious tone, and its unceasing attempts to disgrace the Church and the Holy

See. His acuteness, and fairness when pure scientific research occupies him, seem to fail him whenever an assault can be made on any part of the Church; and we sometimes doubt whether his object be to exalt Galileo as a philosopher, or to hold him up for a victim. Charges, which even protestant writers had completely given up, he recklessly repeats. In an early number of this Review, we had occasion to show this at some length, in the case of Borelli, Oliva, and others;* nor can we see ground to modify our opinions. In speaking therefore of M. Libri as his scientific attainments deserve, we must no more be understood to agree with him on other, and especially religious, subjects, than were we to extol Newton's Principia, and mathematical skill, we should wish to be considered as praising his prophetic researches.

In like manner, we totally pass over M. Libri's political life, which commenced with the revolution of 1830, in which year he visited Paris. With the democratic politics of Italy, with its Mazzinis and Gavazzis, we have certainly never shown any sympathy; nor can we feel any with the more specious but equally dangerous school of which M. M. Guizot and Libri are the exponents. It is therefore sufficient for our present purpose, to observe that, after the failure of the abortive insurrections of that year, M. Libri found himself a political exile in France; and we have M. Merimée's authority for saying that, so to speak, a chair in the Institute had been reserved for him. Poisson, whose genius at that time reigned supreme in the mathematical world, and who had accorded M. Libri his friendship, urged him to take up his permanent residence in Paris. He yielded to this suggestion, although a mind devoted to science and literature might easily be thought to have been tempted by other than political considerations in joining the coterie of Parisian philosophers, and in accepting scientific rank and honours, which are more coveted than those which any other learned body in Europe can confer. However this may be, it is certain that M. Libri, whether in the walks of science, of literature, or of bibliography, is a man whose divided allegiance leaves no room for complaint of the earnestness and viva-

* Vol. III., p. 150.

city with which he devotes himself to any one of these pursuits.

It was in 1833, after naturalisation, that he was elected a member of the Institute by 37 out of 53 votes. He was shortly after nominated Professor of the Calculus of Probabilities in the Sorbonne, and assistant professor in the Collège de France to M. Lacroix, whom he afterwards succeeded. At thirty-six years of age M. Libri had thus obtained the highest honours which the metropolis of science and literature could bestow.

It is not to be supposed that so prosperous a career did not excite the envy and jealousy of some of his contemporaries or rivals. His subsequent course was, unfortunately for him, not one of prudent conciliation. In the Academy he was still an *Italian*, and yet worse—a man whose exactitude and precision of information, and whose severer science, often checked the loose assumptions, the shallower erudition, and the learned trifling of those who saw in the French school the cradle, the nursery, and the full development of scientific discovery. “L’Académie des Sciences,” says M. Merimée, “s’occupait beaucoup des pluies de crapauds, et quelques mathématiciens se complaisaient à entretenir la compagnie de ces averses effrayantes, alléguant de nombreuses citations de seconde main et garantissant la véracité d’auteurs dont ils venaient d’apprendre les noms. M. Libri leur enleva cette gloire facile en leur citant une pluie bien attestée de *bœufs*. Le docte corps laissa là les crapauds, mais trouva fort mal q’on fit rire le monde aux dépens des anciens.” No one can read but a few pages of M. Libri’s answer to the report of M. Boucly, or of his letters to the President of the Institute, and the Administrator of the Collège de France, without recognizing what the phrenologists would call a powerful organ of combativeness; directed, too, with all the arts and resources of logic, and pointed with the sting of a vivacious and biting wit. His anonymous accuser perhaps only paid him a deserved compliment in excusing that mode of denunciation by describing M. Libri as a man “puissant et rusé, qui savait en imposer et se faire craindre.”

But it was not enough for him to have surrounded himself with enemies in the Academy; he maintained also an internecine war with the Ecole des Chartes, the breach between him and this institution being so wide and notorious, that when he was named by M. Villemain Secretary to

the Commission for editing a Catalogue of the MSS. in the public libraries of France, *it is said* that M. Libri refused to accept the appointment if a single élève of that institution were nominated to act on the commission. M. Libri has denied that he ever insisted on so wide an exclusion; but the attribution of such a condition to him is a strong evidence of the unfriendly relations which were established between him and this corps of palæographers.

M. Libri, whilst he enriched the *Journal des Savans* (of which he was an editor,) with numerous articles on the rich literary treasures which his researches were continually bringing to light, directed its columns, with great pungency and sarcasm, against his enemies, whether political, literary, or scientific. In the pages of the *Revue des deux Mondes*, (of which he was also an editor,) he also published an article on the scientific labours of M. Arago, in which he accuses the great astronomer of having forsaken the true path of progress, of having neglected the prosecution of exact science for the more popular arts of the elementary lecturer, and of having transformed the Academy into a tribune from whence he addressed the comparatively uninformed public, and explained the popular phenomena which attracted their notice, whilst he neglected to enrich the more advanced knowledge of his colleagues by the communication of researches, worthy of them and of his own undoubted genius and celebrity. In this article M. Libri specially attacks the *éloges*, which, as perpetual Secretary, M. Arago pronounced on deceased Academicians; instancing the case of the *éloge* on M. Ampère: the article gives the following caustic account of the performance, and the manner of its reception:—

“ A la dernière séance publique de l'Académie des Sciences, M. Arago a lu l'éloge de M. Ampère, savant géomètre qui a cultivé avec éclat toutes les branches des connaissances humaines, et auquel la physique doit de notables progrès. Cet éloge, dont la lecture a duré près de trois heures, n'a eu, il faut l'avouer, qu'un médiocre succès. Malgré ses sympathies pour l'auteur, la presse a été presque unanime à cet égard, et, quoique, avec ménagement, elle s'est exprimée là-dessus en termes fort clairs. On s'était accoutumé à ne pas toujours trouver dans les éloges que prononçait M. Arago le respect des belles traditions académiques que Cuvier et Fourier avaient laissées. On savait que pour lui, la science n'était pas l'affaire principale, et qu'il la sacrifiait quelquefois à la popularité; mais on croyait, qu'après avoir poussé le système dramatique

et anecdotique à l'excès dans son éloge de Carnot, il avait choisi exprès Ampère, qui n'avait jamais été un homme politique, pour faire amende honorable, et revenir aux habitudes de l'Académie. L'attente du public a été bien déçue, lorsqu'on a entendu le secrétaire perpétuel parler si long-temps de choses totalement étrangères à la science, reciter des vers de Boileau, raconter des anecdotes douteuses, s'arrêter longuement sur les distractions si connues d'Ampère, et ne dire que quelques mots qui ont paru à peu près intelligibles, sur les travaux scientifiques du savant académicien. A chaque instant M. Arago répétait qu'il n'avait pas le temps d'exposer les découvertes d'Ampère, et il prolongeait cependant son récit par de nouvelles anecdotes, et tout cela dans un style si diffus et d'une manière si décousue, qu'à la fin l'impatience avait gagné tout le monde."*

We cannot pretend here to give an account of the many other disputes and occasions of mutual offence between these distinguished men, nor, without entering into further details, to fasten upon one the imputation of smarting under offended vanity, or upon the other of having intemperately prostituted his wit and scholarship in ridiculing a political opponent, and a scientific rival; but the fact is both material and deplorable that a community of studies did not prevent MM. Arago and Libri from being notorious opponents, and even personal enemies.

M. Libri, as might be expected from his political position and his connection with the University, was engaged in the hard-fought battle between the Catholic party and his doctrinaire friends. We will not, after the signal victory which has terminated the controversy, make any further allusion to its details than to observe that, whilst the prejudices of M. Libri always coloured and sometimes dictated his judgments, he was far from exhibiting the blind malice and the vulgar ignorance which were common amongst his associates. He will now perhaps reflect with better feelings on the fact, that the organs of the great Catholic party have never joined in the attacks upon his honour, into which we are about to enquire.

Having premised what was absolutely necessary respecting the position occupied by M. Libri at Paris, and

* Contrary to our usual practice, we have thought it best to leave untranslated a considerable portion of the documentary matter introduced into this article. In a question of evidence a great deal depends on the very words which have been employed.

his relations with existing persons and influences, we must now inform the reader that in February, 1846, (as appears by the report addressed by M. Boucly, the Procureur du Roi, to M. Hébert, the keeper of the seals,) the prefect of Police received and transmitted to M. Boucly an anonymous note, and another signed pseudonymously, insinuating that M. Libri had stolen a very curious and valuable MS. Psalter* from the library of Grenoble, and that similar abstractions had been made from the libraries of Montpellier, Carpentras, and other towns of the interior; and that by such means M. Libri had collected books, MSS., and autographs to the value of from 300,000 to 400,000 francs. Finally he was specifically charged with having obtained the letters of Henri IV. from the library of the Arsenal.

An English attorney general would perhaps hardly have thought it necessary to take any steps on the receipt of such denunciations, but it appears that M. Boucly made enquiries through his colleagues at the several places indicated, and obtaining no results incriminatory of M. Libri, allowed the matter to drop.

Eighteen months later another anonymous communication came to hand, charging M. Libri with stealing books from various public libraries, *as a matter of public notoriety*, but naming no books in particular.

The public prosecutor felt again encouraged to seek for evidence to establish the charge, and the result of his labours forms the bulk of his report to the minister of

* This MS. was purchased by M. Libri of Dr. Commarmont, of Lyons, as this gentleman has subsequently assured Mr. Panizzi and Mr. Holmes, although, for he was about to return to France, he declined to state as much *in writing*. The fact was, however, otherwise notorious. M. Libri had heard of this treasure through Mr. Payne, of the house of Payne and Foss, and this gentleman conceiving that he had some rights in the volume, offered M. Libri 500 francs for his bargain, or that, if he chose to abide by it, he should pay Mr. Payne the same sum. M. Libri chose the former alternative. This was a celebrated MS., and had been described in the large work of du Sommerard.—M. Paulin Paris, (of the Institute,) and the Count Mamiani were witnesses of incidents connected with the purchase of this volume from Dr. Commarmont, the previous history of the MS. was also well known to Mr. Holmes and others.

justice, and will be found printed verbatim in the fifth of the pamphlets on our list.

As the act of accusation contains all the items in this report, which on further consideration were thought presentable, we shall take no further notice of it, except,—

First. To reprint the following very naïve remark of M. Boucly at the close of his laborious investigation.

“Peut être d'un autre côté, une hésitation moindre à vérifier certains faits, surtout des explications demandées à M. Libri lui-même (que je n'ai pas voulu interpeller,) eussent elles au contraire fait disparaître les soupçons dirigés contre lui.”

Secondly. To observe that only two persons were interrogated by M. Boucly relative to the facts, and that the father of one of them whose evidence is quoted, declares that his son never gave any evidence at all, and was never cited to do so, whilst he himself, who was interrogated, gave evidence of a very different nature to that imputed to his son.

Thirdly. To quote the following sentence written on a copy of M. Libri's answer, now lying before us:—“La défense la plus complète que j'aie jamais vue de toute ma vie. Voyez surtout l'infâme calomnie sur Carpentras—mais tout est infamie et calomnie d'une part, et tout est parfait de l'autre.” This opinion is signed “H. B.,” and is in the handwriting of a nobleman who is not unknown in France, or at the Institute, who may be thought to be not unacquainted with the rules of evidence, and whose name would not sound new, strange, or unauthoritative to our readers, whether in the walks of law, of politics, of science, or of literature.

M. Boucly's report was forwarded by him to M. Hébert, by whom it was given to M. Guizot, with the intention, let us charitably hope, of bringing the denunciations and subsequent inquisitions to the knowledge of the accused.*

* M. Libri was not, however, entirely ignorant on the subject of the enquiry, for in January, 1848, M. Commendeur, the auctioneer whom he had charged with the sale of his books, informed him that he, M. Commendeur, had been summoned to attend the bureau of the police, and had been asked the names of the purchasers of two books (an *Aldine Theocritus* and a *Castiglione*) in M. Libri's catalogue, and whether during the sale he had heard the remark that the stamps had been effaced from certain books. M. Com-

But whatever might have been the intentions of the author* of this report, the revolution of February, 1848, intervened to prevent their performance, and the report fell into the hands of the Provisional Government, at the head of which were M. Arago, and the editors of the National. One of these, M. Terrien, met M. Libri on Monday, 28th February, at an evening sitting of the Academy of Sciences, and put into his hands a note informing him of the discovery of the report of M. Boucly, and advising M. Libri to save himself from an outbreak of popular vengeance.

In the face of a successful revolution, which had shaken the very fabric of society, and whilst it had driven his friends into exile, (or rather, as at that moment, had left them exile as their only hope,) had also elevated his political

mendeur replied that he had never heard such a remark, and that no fact of that nature had come to his knowledge. This evidence was not only altogether *suppressed* in M. Boucly's report, but it was asserted that no other witnesses had been examined but M.M. Carteron and Téchener, junior.

Immediately on receiving this information, M. Libri exhibited to M. Commendeur proof of the regular acquisition of the books named, and went the same day to M. Guizot to demand an enquiry, and to obtain his assistance in tracing the author of the calumny. M. Libri, in the presence of a superior officer of M. Guizot's department, exhibited the evidence of the legal acquisition of the books; M. Guizot thereupon charged the employé who assisted at the interview to represent the case to the Minister of Justice, whose answer, subsequently communicated to M. Libri, was, that he knew nothing of the affair, and would make enquiries.

On the hypothesis of M. Libri's guilt, he would have been thankful for this breathing time, and might have hoped that the affair would ultimately sleep. On the hypothesis of his innocence, inactivity under such an imputation would have been difficult, although M. Commendeur assured him that such a charge was commonly made in France against every great collector of books. As a matter of fact, M. Libri instantly addressed a note to the Minister of Justice, complaining of what had passed, offering to substantiate his rights to the two books, and claiming the necessary authorization to prosecute as calumniators whoever might be the authors of the report.

* It is generally understood that this report was in fact written by one of M. Boucly's subordinates, and that the Procureur du Roi signed it only ministerially without acquainting himself with the contents.

enemies to absolute power, it cannot be doubted that a warning from such a quarter, and threatening a proceeding of such antecedent probability, was not to be neglected. Accordingly M. Libri fled to England. The following is his account of the events of the few days immediately succeeding the revolution :—

“ Cette révolution, ce coup-de-main, ayant porté au pouvoir M. Arago, contre lequel je n'avais pas cessé de lutter depuis douze ans, à l'Institut et dans les journaux, je me sentis gravement menacé ; et j'annonçai à mes amis les plus intimes, que probablement je serais forcé de m'éloigner de France. Ils le comprirent comme moi, et m'encouragèrent dans cette détermination. A l'inimitié de M. Arago, motif déjà fort suffisant en lui-même, s'ajoutait l'animadversion qu' avait suscitée contre moi, mon constant attachement à M. Guizot, et le concours que j'avais donné à sa politique dans le Journal des Débats relativement aux affaires d'Italie. Nous voulions ensemble le développement légal et pacifique de la liberté en Italie, et, en combattant pour le principe d'amélioration progressive et durable, j'avais excité la colère de tous les organes de l'opposition. Les journaux les plus violens me désignaient depuis six mois aux vengeances du parti républicain. Immédiatement après la révolution, plusieurs de mes amis s'étaient cachés ; d'autres vinrent m'avertir d'être sur mes gardes, et ne voulurent plus que je restasse la nuit chez moi. Aussi, depuis la révolution, ai-je été tantôt à droite, tantôt à gauche, acceptant l'hospitalité qu'on m'offrait. Un club était installé à la Sorbonne, où je demeurai, (c'était alors le plus violent de tous,) et des hommes armés gardaient la porte de cet établissement. Des lettres anonymes que je reçus, me menaçaient de la colère du peuple si je persistais à demeurer en France. Ainsi se sont passés le Vendredi, le Samedi, et le Dimanche, qui ont immédiatement suivi la révolution. Le Lundi je voulus aller juger de l'état des esprits à l'Institut. L'aspect de l'Académie des Sciences était sombre ; et cependant je trouvai mes collègues pleins de prévenance pour moi. Je m'entretins avec plusieurs des principaux académiciens, je parlai au président, et à quelques autres membres, d'une mesure que je croyais utile. Le président me pria d'en faire moi-même la proposition en comité secret. La séance fut courte. Au moment où le comité fut annoncé, une personne, qui s'apprêtait à quitter la salle et que je connaissais parfaitement, s'approchant de moi, me remit un petit billet plié et me pria de le lire. Je n'y fis pas grande attention, parceque je causais alors avec un de mes confrères. Quelques instans après, j'ouvris le billet qui était écrit au crayon, et dans lequel on me disait d'abord qu'on avait trouvé aux Affaires Etrangères une pièce épouvantable contre moi. Dans un second paragraphe se lisaient ces paroles, que je crois me rappeler textuellement, et dont certainement je me rappelle le sens.

“Épargnez au peuple Français un de ces actes de vindicte populaire, qui répugnent au caractère de notre nation. Ne venez plus à l'Institut, disparaissez !”

“Je dois dire que je n'attachai pas d'importance à la première partie de cette pièce. Je n'y vis que l'écho de quelque calomnie politique plus ou moins transfigurée. Ce qui me frappa, ce fut la fin du billet. Rapprochée des lettres anonymes que j'avais reçues, cette menace d'un *acte de vindicte populaire* me prouva que, dès le premier moment, j'avais bien jugé la position, et qu'il n'y avait plus de sécurité pour moi en France. Quelles que fussent les difficultés dont j'étais entouré, si, sur une accusation déterminée, l'on m'eût demandé de me disculper devant des juges sévères, mais impartiaux, je n'aurais pas hésité à accepter la lutte ; mais ici il ne s'agissait pas d'un jugement : c'était une proscription, c'était un acte de vengeance qu'on m'annonçait. Il fallait s'éloigner sans retard. Je communiquai ce billet à différentes personnes qui toutes jugèrent la chose comme moi. Je fis demander un passeport, mais on me répondit qu'on n'en délivrait à personne. L'urgence du départ était immédiate, et je dus partir avec un vieux passeport qu'un ami me procura. Voilà pourquoi j'ai cherché un asile en Angleterre.”

The act of accusation gives a different version of M. Terrien's note as follows :—

“Le 28 Février, un rédacteur du National pour la partie scientifique, M. Terrien * * * * * lui (i.e. à M. Libri) remit un billet signé de lui et ainsi conçu ;

“Monsieur, vous ignorez sans doute la découverte qui a été faite du rapport judiciaire concernant votre inspection, dans les bibliothèques publiques. Croyez-moi, épargnez à la société nouvelle des réactions qui lui repugnent ; ne venez plus à l'Institut.” Libri se retira aussitôt ; le jour même il disparut de son domicile.”

The following extract from “*le Droit*” presents the same incident, with somewhat more of melodramatic effect, and may serve as a specimen of the misrepresentations and insinuations with which the French republican press teemed at the time :—

“On nous communique, relativement à ce personnage, (M. Libri) un fait qui n'aurait que quelques jours de date, et que nous avons tout lieu de croire exact. On raconte qu'à une des dernières assemblées de l'Académie des Sciences, M. Libri se serait présenté dans le sein de l'Académie. Son arrivée aurait produit sur ses collègues déjà réunis une impression pénible. Un membre aurait aussitôt pris une feuille de papier, et y aurait écrit à peu près ce qui suit : ‘On a droit de s'étonner que M. Libri ait le courage de venir siéger dans une réunion d'hommes honorables.’ Le papier

aurait circulé de main en main, et serait enfin arrivé dans celles de M. Libri, couvert de signatures de tous les assistants. Celui-ci se serait immédiatement levé et aurait fui honteusement.”*

The *National* itself, then at the head of the political movement, thus expressed the feelings which actuated it towards the accused.

“Il n’y avait en effet rien de changé à l’Académie des Sciences de Paris.....Il n’y avait qu’un Italien de moins. Cet homme, deux fois réfugié, a été chercher par delà la Manche un nouveau foyer et de nouvelles bibliothèques. Que nos amis de l’autre côté de l’eau le tiennent bien ; c’est tout ce que nous leur souhaitons. Quant à l’absent qui les visite, son nom, Dieu merci ! ne paraîtra plus dans nos colonnes.”

But the desire to calumniate was stronger even than the wish to pollute their pages no longer with the name of this “*Italian*.” We accordingly find in the *National* of the very next day, the eager and precipitate announcement, that the seizures which had been made left no doubt of the reality of the abstractions imputed to M. Libri.

If we ascribe the prosecution directed against M. Libri to the malevolence of party spirit, of personal hostility, and of national prejudice, embittered by wounded vanity, and intoxicated with unexpected success, we can easily appreciate the significance of the fact, the unprecedented fact, which we have now to record, viz., that the purely preliminary and *ex parte* report of M. Boucly was on the 19th March, published at full length in the *Moniteur*, i. e., in the official organ of the government of M. Arago, and the *National*.

If we ascribe the prosecution to an honest intention of vindicating justice, of punishing a notorious and hitherto successful criminal; even if we make the fullest allowances for a virtuous vindictiveness, it cannot but be admitted that this premature publication was a great fault and a great injustice, and calculated to prejudice the subsequent

* This journal (le Droit) was evidently better informed than either the writer or the receiver of the note of what were its contents. It happened very unfortunately for the character of the subsequent proceedings, that the then editor became subsequently mixed up with the prosecution as *Procureur de la République*; i. e., the man who wrote, or was responsible for, the above paragraph, was afterwards employed as prosecutor.

stages of the process. We shall see, as we proceed, whether this was the only error of the kind committed by the prosecution to the prejudice of the accused, and whether or not subsequent acts partake of the same character.

Shortly after M. Libri's flight a seizure was made of his books and papers, and commissioners selected from the Ecole des Chartes, to whom was added M. Chabaille, were appointed by the minister of public instruction to aid the officers of justice in an enquiry which involved the necessity for much bibliographical knowledge and critical acumen. Here was a question of the history and identification of books, autographs, and MSS., and such assistance was evidently indispensable. Setting aside the question of the bibliographical skill of the commissioners, to which we shall have presently to advert, we are struck, on turning to the act of accusation with the omission of any indication of the appointment of M. Chabaille, of the only individual not selected from a body eminently and notoriously hostile to the accused. "Les recherches techniques furent confiées," says the act, "à des experts, élèves de l'Ecole des Chartes, désignés par le ministre de l'Instruction publique." Why this omission? Perhaps the following extract from an undated and unsigned autograph, which we are assured is in the handwriting of M. Chabaille,* may throw some light on this singular silence. We have taken the liberty of italicising some few words:—

"La commission des experts a mis à part un certain nombre de livres et de papiers qui lui ont paru mériter un examen plus approfondi. Il m'est tout à fait impossible, *moi expert*, de dire quels sont ces livres et ces papiers, attendu que mes collègues, *voyant que j'étais loin de partager leur acharnement* * * * * * *m'ont caché très soigneusement toutes leurs opérations* ; ils ont été même jusqu' à faire un rapport contre moi au juge d'instruction dans le but de *m'évincer de la commission*."

Let us suppose that M. Chabaille had been found, after his appointment, to be partially affected towards M. Libri, and that, as justice should not only be pure but unsuspected, this first example of *suppressio veri* in the act of

* The facts stated in this letter are fully confirmed by some other letters of M. Chabaille, duly dated and signed, now in the hands of M. Panizzi.

accusation was thought advisable to spare so tender a plant a breath of suspicion. Let us, moreover, suppose that the *esprit de corps* was not so absolute amongst the élèves of the Ecole des Chartes, but that a fair selection of impartial men might have been made from amongst them. Let us finally discredit the evidence of M. Chabaille that such a selection was not made.

But to what hypothesis shall we resort in the face of the following extract from a letter from Signor Picchioni :*—

"I am assured that, according to your desire, many most respectable persons, whose names at another time I will communicate to you, are acquainted with facts important to your defence; in case of necessity they are willing to depose judicially to the two following :—

"First. That on the 28th February, 1848, * * * * you received a note from M. Terrien, editor of the *National*, announcing that you were in imminent danger of an act of popular vengeance, if you did not immediately quit France.

"Second. That the members of the *Ecole des Chartes*, charged with the examination of your books and MSS., have, on different occasions, manifested great hostility against you, and have used threatening language towards those who have shown a disposition to offer testimony in your favour. One of them, M. Lalanne, has said publicly to M. Merlin, sub librarian at the Ministry of the Interior, these very words :—*L'Ecole des Chartes ne sera contente que lorsqu' elle aura fait pendre M. Libri.*"

Certainly this choice of commissioners was an unfortunate evidence of the continuation of the same influences which prompted the publication of M. Boucly's report, and there were other circumstances attending the initiatory proceedings equally deplorable.

It appears by a declaration formally made by François Conté, an old servant of M. Libri's, that no sooner were his books and papers seized, than his chambers at the Sorbonne were invaded by a number of persons, who had *free ingress and egress*, who carried *inwards and outwards* books and papers, without any formalities, who broke open M. Libri's desk, *burnt large quantities of papers*, and effected the removal of books so carelessly, that no fewer than five volumes were picked up in the

* Signor Picchioni will be known to some of our readers as former professor of Italian at Eton. He is now Director of the Piedmontese Academy of the Lyceum at Alessandria.

staircase leading to the chambers, or in the precincts of the Sorbonne. Conté was himself imprisoned for two days, but neither on his arrest or afterwards was he informed of the charge against him. He was, whilst in prison, deprived of keys which he carried on his person, and he was told by Madame Guyot, the wife of the keeper of the Sorbonne, that during his imprisonment a person unknown to her had demanded to be led to M. Libri's chambers, which he had opened and entered, that he had stayed there *alone* for some time, and had left, taking with him a "carton." This witness further deposes, that M. Libri had left behind him a catalogue of his books, consisting of more than twelve thousand sheets. This catalogue he had seen removed, and was informed that it had been transported to the police office, where, as he subsequently learnt, several thousand sheets had been lost.

Conté may fairly be supposed, in his bewilderment, to have misinterpreted much that he saw, and to have been misinformed in what he deposes to from hearsay, but the five books are now in M. Libri's possession. The witness *saw the papers burnt*, and he indicates the persons who gave him information of what did not pass under his eyes. Of what avail that the seals of justice were, at some time or another, duly placed on the apartment, and on certain cases and wrappers, and removed with due formality, if free access had been previously allowed to drawers, books, manuscripts, papers—everything? Or what proof does a seal afford of what were the contents of a chest or wrapper, if they have not been duly catalogued, and the contents verified, before they were delivered to commissioners, who were predetermined "*faire pendre*" M. Libri,—and who had neither the prudence nor the decency to simulate impartiality, nor to conceal the triumph which they (*too soon*) believed themselves to have achieved?

We narrate, but we dare not trust ourselves to characterize, these facts.* The anonymous accusation, the

* The protest of M. Lamporecchi, President of the order of Tuscan Advocates, against the monstrous unfairness and illegality (we have no space for narrative or comment upon this latter question,) of the proceedings against M. Libri, a protest which obtained the adhesion of many eminent Florentine lawyers, deserves an

secret enquiry, the official publication of a preliminary and *ex parte* report, burdened with false and garbled evidence, the appointment as literary commissioners of the avowed enemies of the accused, and as prosecutor of a man already committed to an untrue and damaging narrative of antecedent events, the destruction of documents, and finally the delivery up of the papers and property of the accused to *such* commissioners *without inventory* or any possible means of checking addition, subtraction, or substitution.

But what precedes refers mainly to the preliminaries of the prosecution. We come now to the Act of Accusation, a document which we have at least acquired the right of subjecting to a more than ordinarily rigid examination.

In fairness to the particular "Act" under review, we must observe that much which would strike the English reader as peculiar is, in fact, generic. An English indictment is, as we have before noted, conceived in a totally different spirit from a French Act of Accusation. The former simply specifies the crime, whilst the latter recapitulates and comments on the evidence. It even supposes the probable line of defence, and comments upon it, and upon collateral incidents which may foster suspicion or damage the character of the accused. It triumphs in undisguised exultation as it works up the evidence on any point to apparent or assumed demonstration, and, in the case before us, takes credit for moderation in not pressing charges which it finds itself unable to support. A damaging insinuation is an allowable stroke of art. The thing is, in fact *rhetorical*, and if it may be compared to anything on this side the water, it is to the opening speech of counsel, although, we believe, we must retrace our annals for an example of the licence, taken and allowed, which distinguish the particular document before us.

attentive perusal. The following are the terms in which M. Agrioglio, in giving his adhesion to the protest, expresses himself :—

"De 1806 à 1814, J'ai été revêtu de la toge Française, d'abord comme Procureur Général, puis.....comme Avocat Général près la cour dite Impériale. J'ai donc été à même de savoir comment se conduisent en France l'instruction du procès.....Mais, si les faits indiqués dans les imprimés sont vrais, (et comment en douter, après les avoir lus et pesés ?) quelle a été ma surprise quand j'ai dû rester convaincu que, dans le procès qui s'instruit depuis le mois de Mars 1848, on avait négligé toutes les règles de la justice."

But now to the "Act" in question.—This document, which the commissioners had elaborated during twenty months, commences by reciting the anonymous denunciations, the proceedings of M. Boucly thereon, the warning given to M. Libri at the Institute, and his flight to England.

We must refer to M. Mérimée's article in the *Révue des deux Mondes*, or to the act itself, for the description which follows of the apartment of the great bibliographer, and of its furniture, of the burnt papers in the grate,* of the printing type, the bookbinder's tools, made to imitate ancient patterns, (!) and of the volumes which had undergone this species of "falsification," and proceed to matters which will bear [more heavily on one party or the other—the prosecutors or the accused.

"'Deux témoins,' says the Act, and this is the first piece of oral evidence offered, '*rapportaient cette déclaration du jeune Abry: 'J'ai travaillé chez M. Libri avec deux autres personnes, pendant quinze jours ou trois semaines, à gratter et faire disparaître des cachets et timbres sur des livres. M. Libri voulait aussi s'en mêler, mais il faisait des trous, et nous étions obligés de les raccommoder.' Cette dernière partie de la déclaration semble confirmée par une note de la main de Libri, 'No. 320 Arrange—moi.' (Duru.) Duru est un rélieur. Une autre note, également de sa main, porte: 'No 148, Vigna, (c'est le nom d'un restaurateur des manuscrits,) gratter délicatement le cachet.'"*

Two witnesses "*report.*"—Now this story, if true, is something to the point. It would appear suspicious, though it would not dispense with more direct and circumstantial evidence of theft, that three persons should be employed for a fortnight, or longer, by M. Libri, in erasing stamps† from books in his collection. But in

* This means *nothing*, or it means that M. Libri had been destroying the evidences of his crime. To establish which not a tittle of evidence is offered or hinted at, as existing throughout the remainder of the "Act." We may offer this as a fair specimen of the *insinuations* which abound throughout. Further on, the "Act" exults in having discovered a basket of autographs and other papers which M. Libri had directed to be destroyed, but it *nowhere throughout even asserts* that one single document so found assists the case against M. Libri.

† To those of our readers who have not yet been initiated into the mysteries of bibliography, we must explain that but compara-

England we are accustomed to something more of completeness and precision in a case of this kind. Who were these two witnesses? Why was not Abry, Junior, himself called? Who were the other two persons who worked with him? Why were not Duru and Vigna interrogated? Such are the questions which naturally suggest themselves. The reader must discover the "Why?" for himself, we will only assist him by exposing the facts:—

10. The name of *one* only of the two witnesses is known to us—Le Sieur Farinque. The reader must take it on our bare assertion, confirmed by the silence of the act, that the name was not particularly presentable, and that the motive for such evidence was liable to serious question.

20. Abry, Junior, was called and interrogated; his evidence was favourable to M. Libri, it contradicted that of the witness above-named, with whom Abry, Junior, *was confronted*, and this evidence was—*suppressed*.

Here is his own account of the matter:—

"Je joins ici ma déposition telle que je l'ai faite devant M. le juge d'instruction, et en présence de M. Farrenc (Farinque), laveur de livres :

"J'étais employé chez M. Libri à lever des cartes pour le catalogue : *je n'ai jamais gratté ni vu gratter aucun cachet*; je declare que M. Libri m'avait donné ordre ainsi qu'aux autres rédacteurs, d'extraire de sa bibliothèque tous les livres revêtus d'estampilles, et de les mettre dans un casier à ce destiné; j'ajoute, en outre, que j'ai fait moi-même, au moment du déménagement, trois paquets des livres contenus dans le dit casier, et que M. C. a reporté sur-le-champ aux établissements auxquels ils appartenaient.

"M. Farrenc fit ses plaintes à M. le juge d'instruction sur quelques volumes. * * * Il ajoute, ensuite, qu'il m'avait entendu dire qu'on s'occupait chez vous, Monsieur, de grattage d'estampilles. J'ai soutenu la vérité, et Farrenc a répondu qu'il croyait bien ne point l'avoir rêvé. J'ai répondu que non, mais *qu'il l'avait inventé*."

30. Duru and Vigna, if called, could only have offered

tively few works but have at some period or another been stamped, —that some stamps are preserved by collectors as evidence of honourable note, but that others, more particularly if they mar the beauty of a title-page, are, as far as possible, erased; although we believe the wonderful acid, elsewhere spoken of in the Act, which effaces stamps, but spares the paper and type, is not generally known.

evidence favourable to M. Libri. Here is a copy of a certificate signed by Abry, Junr., Duru, and Vigna:—

“Je, soussigné, certifie que M. Libri ne m’a jamais donné l’ordre d’effacer ou faire disparaître des livres que j’ai reliés ou restaurés pour lui, aucun cachet, aucune estampille d’une bibliothèque ou établissement public quelconque, et qu’il ne m’a jamais chargé que de travaux et restaurations parfaitement licites et parfaitement réguliers.

“En foix de quoi, &c.

“Approuvé l’écriture ci-dessus qui contient en substance le résumé de ma déposition attestée par serment devant M. le Juge d’instruction.

G. ABRË.

“Approuvé l’écriture ci-dessus.

DURU.

“Approuvé l’écriture ci-dessus.

VIGNA.”

And there is abundant further evidence of the same kind.*

The names of the two persons who worked with Abry, Junior, were MM. Bailleul and Crosnier. These names might, of course, have been got from Abry, and the evidence of these gentlemen obtained, but we have documentary proof before us which fully accounts for their not having been examined. Their evidence would have been explicitly in M. Libri’s favour.

Comment on such facts is unnecessary. “De tels faits, ne se discutent pas, ils s’exposent,” is a dictum of the Act itself in one of the moments of triumph which *preceded its publication*.

If we give one more, and perhaps a more important instance of *suppression of evidence*, we may perhaps be thought to have done enough to show that the defence might have been in better hands than in those of the writers of the Act, and that the blind eagerness of the prosecution has perhaps defeated the ends of its promoters.

The gravamen of the whole charge against M. Libri is, that he despoiled the public libraries of France with a *venal object*. In his *Reponse au rapport de M. Boucly*, M. Libri asserted that he had proposed, subject to certain

* We take this opportunity of saying, once for all, that every original unpublished document we make use of is in the hands of Mr. Panizzi at the British Museum.

conditions, *to present his collection to the Bibliothèque Royale*. That this proposal had been met with an unwillingness to comply with those conditions, as involving an infraction of the rules of the establishment. That, in the face of the difficulties started, he had appealed to M. Guizot, who had spoken on the subject to one of the keepers of the library, and had received the same answer, viz., that the conditions imposed were contrary to the rules of the establishment. These conditions were:—1. That the collection of books and MSS. should be *kept together* in one room, bearing M. Libri's name. 2. That under no pretext whatever should one volume be separated from the other. And 3. That within a certain time a catalogue of the collection should be published.

Independently of the question of *venality*, it was too evidently absurd to suppose that M. Libri would have made such an offer if his collection had been made in the way charged; for he would have been affording to every one the constant means, at any future time, of tracing the spoliations committed. It was, therefore, quite necessary to throw discredit on this story. The prosecution recognised this necessity, and here is the way in which the Act meets it:—

“La munificence de Libri aurait enrichi plusieurs bibliothèques! (sic) * * * A l'en croire, il avait eu l'intention d'offrir ses riches collections à la Bibliothèque Nationale. Il y mettait, de son aveu, trois conditions: (here follow the conditions previously named.) Cette offre se réduit à quelques mots échangés après un dîner entre l'Administrateur de la Bibliothèque Nationale et Libri. Celui-ci avait dit vaguement qu'il pourrait peut-être un jour faire un beau don à la Bibliothèque Nationale (alors Royale) si M. l'Administrateur le voulait. * A quoi l'interlocuteur avait répondu qu'il accepterait avec grand plaisir. La conversation n'alla pas plus loin, ni l'offre non plus.”

Now what M. Libri had said, printed, published, and disseminated throughout Europe, was, that he had spoken on the matter in question to *three keepers*, and *one assistant keeper* of the library; and that, having experienced difficulties in the negotiation, he had appealed to M. Guizot. What answer to all this is it, however true it may be, that the fact was so, to say that he had once had

* The passages italicised are so printed in the Act.

an after-dinner conversation with *the Administrator*? Perhaps so: perhaps also the conversation was as vague and indefinite as the Act represents. But what of that when the assertion and denial do not cover the same ground? When both stories may be equally true, inasmuch as one story is not at all inconsistent with the other, except in the assertion that the offer went no further, which also becomes quite reconcilable with M. Libri's story, if we suppose the meaning of the Act to be that the offer went no further *between M. Naudet and M. Libri*, which is the most obvious meaning of the sentence—"la conversation (i.e., between MM. Naudet and Libri) n'alla pas plus loin, ni l'offre non plus."

But why were not the keepers interrogated? We shall acquire the right to suppose that they were, and that their evidence was favourable to M. Libri, by the answer we shall be enabled to give to the parallel question:—Why was not M. Guizot examined? M. Guizot was in France, and his evidence would have settled the whole matter. Why then was he not interrogated?

The answer to all this is very short. M. Guizot *was interrogated*, and his evidence *suppressed*. His deposition is in the hands of French justice, but here is a letter written by him to M. Libri:—

"Val Richer, 30 Juillet, 1849.

"Mon cher confrère,

"Le juge d'instruction de l'arrondissement que j'habite (Pont l'évêque) est venu avant hier me demander, en vertu d'une commission rogatoire du juge d'instruction de Paris, de déposer sur la proposition que vous m'avez faite, il y'a quatre ou cinq ans, de donner votre Bibliothèque à la Bibliothèque du roi, pourvu qu'elle fût conservée dans des salles particulières, et portât votre nom. J'ai donc attesté légalement le fait avec ses circonstances. Il me semble que cela indique une meilleure direction à l'affaire et peut le faire avancer. * * * * *

"Adieu, mon cher confrère. Donnez moi de vos nouvelles. Je n'ai pas besoin de vous dire quels sont mes sentimens pour vous. Vous les connaissez.

"Guizot."†

* There was the greater reason for distrusting the evidence of M. Naudet, or of the keepers, and appealing to that of M. Guizot, because the former might have appeared censurable in the eyes of the public for not availing themselves of the proffered gift.

† The portion of the above letter, whose omission is indicated,

Now here is not only the fact that M. Guizot was interrogated, but that his evidence confirmed M. Libri's statements, so that M. Guizot infers, *from the mere reception of his evidence*, that the affair was taking a more favourable turn for his friend.

"La munificence de Libri aurait enrichi plusieurs bibliothèques!" says the Act. If we were to attempt the task of putting a sneer into an indicative proposition, we might suppose the meaning of this *exclamation* to be:—It is false and absurd to suppose that M. Libri had ever enriched the public libraries by his gifts.

It is no part of M. Libri's necessary defence to establish the negative of a proposition which one is surprised to find in a judicial document. It is nevertheless most true that he made many choice and valuable presents to public libraries, and that, as in the case of the offer of his library to the Bibliothèque Royale, he wished and proposed to give his rare and valuable collection of the MSS. of Fermat to the same establishment, is proved by the following letter from M. Villemain, Minister of Public Instruction.

"Cabinet du Ministre,

"Ministère de l'Instruction Publique.

"Paris, le 11 Avril, 1843.

"Monsieur,—J'ai l'honneur de vous remercier de l'envoi que vous voulez bien me faire des manuscrits inédits de Fermat. J'ai remis ces manuscrits à M. le chef du Secrétariat du Ministère, qui les gardera en dépôt sous sa responsabilité, jusqu'à l'époque où il sera donné suite au projet d'une publication des œuvres complètes de Fermat.

"A ce moment, Monsieur, ces manuscrits seront donnés selon votre intention à la Bibliothèque du roi, sauf l'usage que vous aurez à en faire pour la publication précitée dont vous seriez l'Editeur. Si, au contraire, ce projet ne se réalisait pas, M. le Chef du Secrétariat sera toujours prêt à vous les remettre. Agréez Monsieur, &c.

"Le pair de France,

"Ministre de l'Instruction Publique,

"VILLEMAIN.

"M. Libri, Membre de l'Institut,
A la Sorbonne."

had nothing whatever to do with the subject. We may append to this evidence that M. Guizot, when in England, told all the circumstances connected with M. Libri's offer to Professor de Morgan, to Mr. Holmes, and to Mr. Panizzi, and subsequently to the writer in Paris.

We cannot spare space for the abundant evidence before us that this was not a solitary act of liberality towards the Bibliothèque Impériale, or the other public establishments of Paris and the Interior.

But the "Act" is not content with denying M. Libri's liberality, it asserts, moreover, most imprudently and unnecessarily, that had the offer been made, it would have been accepted.

"Sérieusement faite, (it says,) cette offre eût été accueillie. L'Administrateur a déclaré qu'on n'eût pas hésité à faire fléchir le règlement."

The Act then gives an example of a bequest of medals which had been accepted.

May we nevertheless be permitted to suggest that in another edition of the Act all this be suppressed, or that an explanation be given of the difficulties which for two years have been recently thrown in the way of the acceptance of the collection of the books and MSS. of the late M. Motteley, an *exactly* parallel case. The executors of M. Motteley, after two years' fruitless efforts to accomplish the wishes of the testator, have been compelled to yield before the *vis inertiae* of the Bibliothèque Impériale; and M. Motteley's magnificent collection of Elzevirs is now the private property of the Emperor, to whom it had been left in default of acceptance by the authorities of the Bibliothèque Impériale.

We have now seen some examples of the nature and value of the evidence suppressed. We will next recount a well-authenticated anecdote, which will show the animus and quality of such evidence from the Bibliothèque Nationale, as was received and used in this delicate enquiry.

M. Achille Jubinal, in his *lettre inédite de Montaigne*, narrates that he had made many applications to one of the keepers for a *catalogue Lavallière*, which he had promised to look out for him, but which he was told day after day there was great difficulty in finding. It turned out, however, that the catalogue *had been found*, and that there had been no intention that it should be communicated to M. Jubinal, to whom, however, it was given by mistake by an employé. Here is M. Ravenel's own acknowledgment and defence of the duplicity as reported by M. Jubinal.

“ ‘Monsieur,’ me dit-il ‘*je vous ai fait tout à l’heure un mensonge.*’—

“ ‘Ah! Monsieur,’ dis-je en l’arrêtant, ‘je n’accepte pas ce mot; vous qualifiez trop durement une erreur: vous vous êtes trompé; voilà tout.’—

“ ‘Non, Monsieur,’ reprit M. Ravenel, ‘J’avais, comme vous le voyez, le catalogue Lavallière; mais *il était convenu* qu’on vous dirait que nous ne l’avions pas, et je l’avais mis de côté afin qu’il ne vous fût point communiqué —

“ ‘Et pourquoi s’il vous plaît?’—

“ ‘Parce que vous avez écrit, m’a-t-on-dit, *quelque chose de favorable à M. Libri, et que nous regardons tous ceux qui le défendent comme nos ennemis acharnés*; contre eux nous nous défendons comme nous pouvons. Voilà pourquoi je vous ai fait ce mensonge.’*

“ Les conservateurs du département des livres imprimés demandent à donner quelques explications relatives à des attaques qui se sont récemment produites contre la Bibliothèque dans une brochure intitulée: *Une lettre inédite de Montaigne*. Comme un refus, qu’ils ont cru devoir faire à l’auteur de cette brochure, a fourni à celui-ci une des armes qu’il a tournées contre l’administration tout entière, ils croient devoir faire connaître à leurs collègues les motifs qui les ont portés à agir comme ils ont fait. * *

They then state that it had been determined, after consultation, not to give M. Jubinal the volume, but only some extracts from it.

“ Cependant, (continue MM. les conservateurs,) ce volume, placé sur le bureau du conservateur, ayant été remis étourdiment au demandeur, par un employé, il en resulta une explication dans laquelle M. Ravenel déclara à M. Jubinal que le refus qu’il venait de lui faire suite du parti arrêté, de ne point communiquer les documents, relatifs à l’administration intérieure de la Bibliothèque, dans un moment où l’établissement était en lutte à une guerre aussi déloyale et aussi acharnée. M. Jubinal, qui reconnaît lui-même avoir trouvé jusqu’à ce jour dans la Bibliothèque tant de secours pour ses travaux, a pris occasion de cet incident, et d’une expression employée par M. Ravenel, &c. &c., pp. 60 and 61. *Réponse de la Bibliothèque Nationale à M. Feuillet de Couches: par M. Naudet, Administrateur Général de la Bibliothèque.*

But why should the employées of the great National Library consider all who defend M. Libri as their mortal enemies? We must endeavour to throw some light on this point also. And our labours towards this will also utterly demolish the main pillar of the Act, which pro-

* As this story is most important evidence of the animus of the authorities at the library, we think it necessary to give here the admission of its truth, published by M. Naudet, on the part of the *conservatoire*.

ceeds uniformly on the supposition that a book or MS. which had at any time belonged to a Public Library, and which, or even sometimes an unidentified copy of which, was found in M. Libri's possession, or in his published catalogue, was unquestionably stolen by him. It being all the while notorious, so notorious that no élève of the Ecole des Chartes can be supposed ignorant of it; it being notorious, we say, that books and MSS. *evidently* proceeding from Public Establishments abound in every considerable collection, and are ordinary objects of commerce in every country of Europe. M. Libri, in fact, collected in a short time, from amongst the stock of a few booksellers, and forwarded to M. Falloux, upwards of two hundred volumes stamped with evidence of such an origin. In the British Museum are thousands, perhaps, of such volumes, and it is a curious incident in this prosecution, that one volume, "L'Origine degli Volgari Proverbi, Venice, 1526," which M. Libri is charged with having stolen from the Mazarine library, is now in the British Museum, with the Mazarine stamp upon it, with good evidence that it had previously belonged to George the Third, and that it has now been for upwards of thirty years a portion of the collection called the King's Library, which George the Fourth presented to the British Museum.

Public institutions and private collectors buy such books and manuscripts as freely, publicly, and frequently, as they are exposed for sale. Nothing short of proof of a fraudulent acquisition is thought to invalidate the possession of such property. If every one of M. Libri's collection of 30,000 volumes had been clearly stolen from the public dépôts, and every one of his eight cart-loads of manuscripts had been in the same case, they would not compensate any one, out of several of the Public Libraries of France, for the almost incredible dilapidations which have resulted from the carelessness or dishonesty of their keepers. M. Libri has furnished abundant proof of all this, but we shall not avail ourselves of his labours, except with respect to the Archives of the Institute.

With what care can it be expected that the more ordinary autographs, for example, are kept, when a letter of Montaigne, (there were lately but fourteen, and there are now but sixteen, of these inestimable treasures known,) could be abstracted from the Bibliothèque Royale, after a description and fac-simile of it had been published? The

catalogue had been blotted, to efface the record of the existence of this letter; the manuscript had several times changed hands; its last possessor had actually forwarded it to the library, begging to know if it had ever belonged to it, and giving the evidence of M. Gouget to the effect that it had formed part of the Dupuy collection, and yet the answer was, that "toutes recherches faites, ils *pouvaient affirmer* que la Bibliothèque du roi n'avait jamais possédé et ne possédait *aucun* autographe de Montaigne." How much can be known of the contents of this collection, seeing that it has since been proved that the letter in question formerly belonged to the library, that *another still exists* there, and that *a third*, formerly belonging to the same Establishment, exists in the British Museum.

We will draw our first examples from the reports addressed in 1840, by M. Felix Ravaisson, inspector general of the public libraries, to the minister of public instruction.

The library at Tours consists for the most part of the spoils of cathedral, abbey, and collegiate property. M. Ravaisson reports that in 1812, after twenty years of neglect, many had perished from damp, and "beaucoup avaient été dérobés et vendus;" that in 1840, a state of things existed still, from which resulted new abuses and fresh losses. That the richest possession of the library had been its manuscripts, and that "C'est là aussi, malheureusement, qu'il a été fait les pertes les plus regrettables."

In the library at Angers, similarly formed of the spoils of eighteen abbeys, most of which possessed good collections, and some, very considerable ones, 24,000 volumes of printed books, and 500 of manuscript ones, formed, as M. Ravaisson expresses it, but "un foible débris de tant de richesses." The prefect had caused many books to be sold, on the restoration of comparative order after the siege of Angers, in 1793, and for many years afterwards the library had not even what in France is called a catalogue, during which time the system of pillage continued to deprive this unfortunate institution of its remaining treasures. In 1841, the library was confided to the care of a librarian, with a salary of 1500 frs., and a sub-librarian with one of 900 frs. per annum. This is a very favourable example of the salaries paid for such duties in the departments—at Saint Brioux, Avranches, Cherbourg, and Saint

Lo, they are stated at 800 frs., 600 frs., 300 frs., 250 frs. respectively.

At Nantes the books had been lost and stolen in great numbers. "C'est pour chaque ville," says M. Ravaisson, "*la même* histoire à raconter." And this wholesale admission will excuse the recital of many more examples.

At Brest there was formerly a library of 25,000 volumes, the whole of which, excepting some portion which had been added to the naval library, had been subsequently dispersed, dilapidated, pillaged, and what remained of the manuscripts were, in 1841, uncatalogued.

At Lesneven M. Ravaisson found *no remains* of its former library.

At Saint-Pol-de-Léon all that was left of the arts and monuments of this city, the centre of a rich district, were its clock and cathedral; its literature and its library had disappeared.

At Morlaix a precious and considerable library had disappeared, except some small matters, formerly stowed away in a granary, and afterwards transported elsewhere. "*Le reste fut pillé, détruit, ou vendu.*"

At Dol a rich library had disappeared, saving a few books which had been saved from a continuous course of robbery, to be delivered over to the rats, whose teeth were proving as destructive as the literary tastes of their predecessors.

At Vire 30,000 books, and those formerly belonging to other collections which had been united to the public library, had become reduced to the more modest number of 2000.

So far as the libraries of the Departments are concerned, we see then not only robbery but absolute and entire destruction. The instances which we have given have been taken almost at random from an official report. If we were to descend from the cautious precision of such a document to facts well authenticated and notorious, but for which we cannot quote the same unexceptionable authority, we might cite the library of Rouen, which has lost 230,000 volumes, and that of Carpentras, which has been pillaged of 1300 manuscripts. But our space, too narrow for our matter, compels us to rest content with what is sufficient, and to omit much which would be desirable.

But have such corrupt practices and such wholesale pillage been extended to the public libraries of Paris?

For an answer to this question we shall depend upon the evidence elicited in the angry polemic which has been evoked in Paris, between M. Jubinal, M. Lacroix, and M. Paulin Paris, on the one part, of M. Naudet, and the "conservatoire" of the Bibliothèque Nationale on the other.

The damaging statements of M. Achille Jubinal obtained so much notoriety not only in Paris, but on the continent generally, that it became necessary to attempt something on the part of the authorities of the Bibliothèque Nationale, in the way of contradiction or defence. Accordingly, one of his assertions was denied, with evidence of its inaccuracy, others are said to be gross exaggerations, but the most significant of them are expressly admitted, but without any acknowledgment of their comparative importance. In what follows we shall not introduce any matter whose accuracy is impugned in the defence of the Conservatoire.

In a splendid biographical work, entitled *La Galerie Française*, published 1821 to 1823, the article on Montaigne, from the pen of M. Villemain, was illustrated by a *fac-simile* of the writing of the philosopher. M. Gouget, the editor of the work, accompanied this *fac-simile* with the following note:—"La Lettre suivante est la seule de Montaigne que possède la Bibliothèque Royale. Elle fait partie du volume ayant pour titre : *Lettres Françaises de plusieurs Grands Hommes*, et est adressée à M. Dupuy, conseiller du roi en sa cour et parlement de Paris." What is known of the treasures of the Bibliothèque Nationale, even in well-informed quarters, may be inferred from the fact that the researches of M. Jubinal have brought to light another autograph letter of Montaigne, whilst M. Libri has discovered a third in the British museum, which evidently formerly belonged to the French National collection,—no traces of these existing in the catalogue.

* M. Jubinal, wishing to clear up the difficulty arising from the editorial note in the *Galerie Française*, and the fact that the original of the *fac-simile* was (in 1850) in the possession, not of the Bibliothèque Nationale, as asserted by M. Gouget, but of M. Feuille, (de Conches,) undertook an examination of the Dupuy collection of autographs.

He very naturally applied to the catalogue of this collection, consisting of two volumes, of which one is arranged alphabetically by the names of the authors, the other being

an inventory of the contents of each volume in numeral order. Finding no assistance in the alphabetical catalogue, (!) he, after some ineffectual attempt to obtain information from the authorities, undertook the labour of wading through the contents of each volume, as inscribed in the inventory. This labour was, however, equally lost, so far as the immediate object of the search was concerned, but, through a happy inspiration, it resulted in the discovery of *another* autograph letter of Montaigne, which was indicated in neither volume of this admirable catalogue. But the catalogue was not simply silent, this was no case of a mere omission, for it professed that the volume containing this letter of Montaigne was composed entirely of autographs, of a date *posterior* to the death of the philosopher.

Encouraged by this unexpected success, M. Jubinal undertook the task of examining the eight hundred volumes of the Dupuy collection seriatim, for the catalogues were now proved to be not only incomplete, but fallacious. He was however led, by an indication furnished by some notes to the "Galerie Française," to search the catalogue for the name of "Pasquier," a letter from whom had been fac-similed in the "Galerie Française," accompanied by the intimation that the original had been found in the *same volume* as that which contained the autograph letter of Montaigne. This time the catalogue answered its purpose, and referred M. Jubinal to three volumes containing letters of Pasquier. Volume 712 was the only one which appeared promising. This volume was bound up with vols. 711 and 713. The title was, "Lettres de plusieurs Grands Personnages." There was no catalogue or index to the volume, *it was not paged*, and there was no letter of either Pasquier or Montaigne to be found in it. But on referring to the second volume of the catalogue of volumes, in the order of numeration, M. Jubinal discovered—*first*, the name of Montaigne, three parts effaced by an enormous blot of ink,*—*secondly*, the name of Pasquier,—and, *thirdly*, an "etc.," which is cer-

* That the blot does really conceal the name of Montaigne is easily proved, by reference to a duplicate copy of the catalogue of the Dupuy collection, now in the British Museum, where the name of Montaigne has *not* been obliterated.

tainly a very compendious adjunct to any catalogue, and must, at least, save an editor a great deal of trouble.*

We will give the result of M. Jubinal's further examination of vol. 712 in his own words:—

"Ayant ainsi constaté que le volume qu' avait manié Gouget était bien le No. 712, je passai à l'examen de ce manuscrit qui, chose déplorable, *n'a aucune pagination de feuillets, ou même de pièces.* Voici le résultat exact du dépouillement que j'en fis:—1o. Les lettres de *Ronsard*, de *Henry Estienne*, de *Coquelay*, de *Dupuy*, de *Montaigne*, MANQUENT. Le volume ne commence qu' à Audert dont il y a six lettres. Il est très facile de s'apercevoir au premier coup d'œil, qu' on a enlevé tout un cahier qui précédait ces dernières ;

* * * * *

"D'après les catalogues par volumes, on devrait trouver ici la lettre de *Dubartas*. Elle n'y EST PAS ; mais une magnifique coupure qui règne encore dans le manuscrit, et qui s'y étale triomphalement comme un témoignage du vol, nous prouve qu'elle y a jadis existée. La Lettre de *Corbinelli*, celle de *Dolet*, celle de *PASQUIER* enfin, MANQUENT aussi. * * * * * enfin, je dois ajouter qu'il y a dans ce manuscrit bien plus de lettres que n'en signale le catalogue, qui du reste n'a pas eu la prétension de les énumérer toutes, puis qu' il a mis un *etc.*"

These almost incredible results of the examination of a single volume induced our author to extend his researches. We proceed very briefly to give some few of the results. The following being the chief sources of information respecting the former state of the collection.

I. The catalogues previously mentioned. But these furnish no index to the number of letters by each author, otherwise than by the employment of the singular or plural,—*lettre*, or *lettres*. No clue whatever, therefore, is furnished as to whether two or twenty letters are embraced in one entry. We need not add that no attempt is made to identify any one letter by its date, or other more explicit

* It is perhaps worth while to observe here the great inconveniences which flow from an inexact quotation of a title. This volume, No. 712, was bound up with two others, under the general title of "Lettres de plusieurs Grands Personnages." Its specific title in the catalogue was, "Lettres de plusieurs personnes de Qualité," and one or other of these titles was quoted by M. Gouget, as "Lettres Françaises de plusieurs Grands Hommes." Had M. Gouget quoted either of the two first titles correctly, he would have saved an infinity of trouble.

entry, so as to detect fraudulent substitution. Finally, many of the most valuable pieces are not indicated by the catalogues at all.

II. There is, or was, at the commencement of each volume, a manuscript catalogue of its most important contents, but these have, in many cases, been torn out or mutilated, the names of several authors having been effaced by the pen-knife, or covered under large blots of ink. These catalogues, however, occasionally furnished very instructive indications.

III. In some of the volumes there appears a singular system of numbering, sometimes the pages or folio, sometimes the separate pieces; this is often only done in pencil, and evidently recently, and in many cases a different system is adopted, in two contiguous parts of the same volume.

IV. In the "*Galerie Française*," in the *Isographie* and other works are contained notices and fac-similes, which were frequently available as evidence of the former contents of the collection.

Such were, in the main, the sources to which M. Jubinal applied, in instituting his enquiries respecting the losses which the *Bibliothèque Nationale* had experienced out of this one series of volumes.

The history of the Dupuy collection is too important to be entirely overlooked in even a brief resumé of the facts and evidence published by M. Jubinal. It appears that this collection became the property of the *Bibliothèque Nationale* in 1657, and that it was not till about one hundred and seventy years later that any steps were taken to bind up a catalogue, or even to *stamp* the enormous mass of papers which, during that time, had lain in corded bundles, subject to absolutely unrestricted dilapidations. To this state of things was applied the insufficient remedy of sending the whole collection off, without an inventory, to be bound, not in a department of the institution to which it belonged, but to the workshop of the binder; subject during the months over which the operation of binding extended, to all the mutilations and abstractions, accidental or felonious, which were the natural consequence of carelessness, cupidity, and a ready market for so-called waste paper amongst the grocers of the quay. But carelessness, want of system, or dishonesty, have permitted or produced more impudent, daring, and wholesale abstractions than those hitherto hinted at; and

our author recounts, that a well-known amateur in Paris possesses a *whole volume* of autograph letters from the Dupuy collection. But we must summarily dismiss this part of our subject with the following results of M. Jubinal's few days' examination.

Vols. 120 and 121 bound up together are no longer to be found.

Vol. 371 cannot be found, but M. Jubinal states that it is still, in point of fact, in the library, though he challenges the power of the officials to produce it.

Vol. 102 is entitled "*Lettres de Jean Calvin, tant originales que copies.*" * There is no index to the volume. The paging is partial and recent; there are no folios numbered 13, 25, 27, 30, 33, 34, or 39. Folios 43 to 48 (*five*) are not numbered, and three folios only remain. Later in the volume the numbering by the folios ceases, and the separate pieces are numbered, and finally this method again gives place to the former system of numeration.

Vol. 103 is neither paged nor catalogued, except under the general title of "*Lettres, Confessions et Memoires touchant la Doctrine de ceux de la Religion pretendue Reformée.*" It is quite impossible to ascertain whether anything, and if anything, how much has been taken from this volume.

Vol. 104 is in precisely the same condition, with evident marks of mutilation.

Vols. 193 and 194, bound in one. The catalogue applies only to vol. 194. A letter of Villeroy is missing, and many existing letters are not catalogued.

Vol. 261, paged in pencil and catalogued, but many letters mentioned in the catalogue are missing, and some existing ones are not catalogued.

Vol. 262. Many letters missing, but the paging (in pencil) is uninterrupted.

Vols. 263, 264, bound in one. Two folios which should contain a letter of Madame de Savoie missing, the number of the folios being thereby broken. Another letter is absent, but was evidently stolen before the volume was paged.

Similar details are given with respect to some ten other volumes of the collection, and a very brief and cursory examination of other collections affords evidence of the same want of system, and the same culpable carelessness, or something worse, which has prevailed in the *Bibliothèque*

que Nationale. In fact, the circumstances which accompany many of the abstractions, and the artifices employed to conceal them, indicate leisure and opportunity on the part of the operators which it would be difficult to suppose united in any other person than an employé of the establishment.

We could not hope to retain the attention of our readers through a dry accumulation of further details of the kind we have hitherto given, but there are one or two facts which are interesting, as illustrative of the different meter of principles assumed by the Bibliothèque Nationale, as applicable to itself in its dealings with others, and to others in their dealings with it, and which also show that the carelessness or greater culpability of which we have spoken, have been continued during very recent times.

The *Cancionero de Baëna* was purchased by the Bibliothèque Nationale at the sale of Heber's books, in 1836, at the price of sixty guineas. The history of this MS. is notorious. It had been stolen from the Escorial, and been described by well-known authorities, and their descriptions were largely quoted in the catalogue of the sale, which went on to say, "two leaves and a portion of a third are wanting, but these were also deficient when De Castro wrote his account."

Of course, according to the morals of the Administrator of the Bibliothèque Nationale, when he figures as the accuser of M. Libri, this book was only purchased for the sake of returning it to the library of the Escorial; and, following the laws which M. Naudet eulogizes and enforces, this was to have been done without the repayment of the sixty guineas which had been paid for the MS. However, we are now in the year 1853, and the purchase having been made in 1836, we conclude that no opportunity has yet occurred of making restitution.

M. Achille Jubinal examined this MS. in 1850, and found that the folios 6, 7, 37, 45, 144, 168, and one between folios 130 and 134 were missing.

Had the MS. been purchased in this state, it would surely have led to explanations between vendor and purchaser, but there is evidence of the examination of the MS. on the part of the Bibliothèque Nationale on the MS. itself, for one of the keepers has written on the second folio of the binding, "Deficit à la première colonne gauche du feuillet 162. Achété dans cet état." Now, by the rule,

"expressio unius est exclusio alterius," we conclude that, at the date of the examination, which resulted in the preceding note, there were no deficiencies other than the one named, and those stated in the catalogue of the sale, or it is possible that no examination was ever made, and that the preceding note was the result of a casual discovery. Either of these hypotheses is at the service of the administration of the Bibliothèque, but they must accept one or the other. Meanwhile we accord all the extenuation derivable from the intention of the return of the MS. to the Escorial, and proceed to illustrate the morals and the system of conservation, which prevail at the great establishment of the Rue Richelieu.

M. Achille Jubinal, having been requested by a noble literary friend to examine for him a magnificent MS. of Troubadour poetry, which contained marginal notes by Petrarch and Cardinal Bembo, and had formerly belonged to the Vatican, demanded a sight of this precious treasure, and not knowing its number in the existing catalogue, indicated the work by its title, and the circumstance of its having been once in the great pontifical library. He was informed that the MS. had been already returned to its legitimate owners, a natural enough answer, since it was one of those objects *removed* from the Vatican by Napoleon, and which should have been returned to Canova and Monsignore Marini, the commissioners of the papal court, in virtue of the treaty of 1815. But our witness had a most captious and inconvenient memory, he remembered, in fact, that his friend had seen the MS. at the Bibliothèque Nationale in 1840, and that M. Raynouard had noted its existence there some years after the date of its alleged restitution.

This evidence proved too strong for the official, and the MS. *was produced* with the naïve remark:—"vous aviez raison; ce manuscrit est bien du Vatican; nous l'avons gardé; mais il ne faudrait pas le dire; cela pourrait nous attirer des réclamations."* But the patriotic zeal of the

* The following confirmatory evidence is an extract from one of the pamphlets on our list:—"J'ai un souvenir fort distinct du recueil de poésies provençales que vous citez, Monsieur, qui a appartenu à Pétrarque, et dans lequel j'ai cru reconnaître qu'on avait arraché l'œuvre entière d'un ancien trouvère. On sait très bien à la Bibliothèque que ce manuscrit, n'a pas été rendu au Vati-

Administration of the great Parisian Library had not been so blind to the probable danger of a demand for restitution, as not to prepare some appearance of legal possession. Accordingly, on a leaf of the MS. we read the following note:—"Richiesto da M. Langlei (meaning Langlès) e riconosciuto non utile a l'Italia e prezioso per la Francia; fu restituito alla biblioteca, al 17 Ottobre, 1815," signed "*Grimasi*." Had this note been signed by Canova, or Marini, the commissioners of the Papal government, it would have been thought strange and inexplicable that, after the final conclusion of their mission, they had assumed powers not confided to them, and in the exercise of a discretion not allowed them, had made over property which it was the especial object of their mission to reclaim, but that they should have pronounced a MS. enriched by the notes of Petrarch and Cardinal Bembo, to be "non utile a l'Italia," and "prezioso per la Francia," would have been so monstrous and incredible, that it was necessary to vouch for the transaction under an ignoble name. Who this "*Grimasi*" really was is not apparent, and he modestly claims no official powers or existence; a valet or courier, perhaps, left in charge of some of the effects of the illustrious commissioners, and, of course, also entrusted with plenary powers to treat with the French government for a modification of the treaty of 1815, or was he, as seems still more likely, an Italian double of Mrs. Harris?

But this treasure, retained by such bye-paths and indirect, crooked ways, has not been preserved in its integrity; the leaves 136 and 137 are missing, their number being thus reduced from 185, the number noted by Raynouard in the second volume of his *Choix des Poésies des Troubadours*, published in 1817, to 183. What renders this negligent conservancy more deplorable, is the fact that such dilapidations are always the index of the former existence of something still more rare and precious than what yet remains. Thus, in illuminated MSS. it is always the first leaf of a chapter, or a book, doubtless enriched

can d'où il était sorti; mais lorsqu'on le désigne sous le titre de *Manuscrit Provençal du Vatican*, certains employés vous disent à voix basse, (comme vous l'avez éprouvé vous-même) *ne dites pas qu'il vient du Vatican !*"

with most exquisite borders, initial letters, or rubrics, which is missing.

We might appeal to that public notoriety which M. Naudet and the *Conservatoire* so much object to, and so loudly question, but which has found a voice in the press, and at the tribune of the Assembly, as evidence of the truth of the sort of thing of which M. Jubinal has furnished us some few specimens; but we prefer to exhibit something more of the interior of the National Library:—1. By citing one other independent witness; and 2. By summoning M. Naudet and his colleagues to speak for themselves.

(1.) M. Lepelle (de Bois Gallais) has published a *fac-simile* of the other letter of Montaigne previously mentioned,* bearing unmistakable marks of having formerly belonged to the Bibliothèque Nationale. This gentleman had spent a large portion of his life within the walls of the establishment, engraving copies or fac-similes of its treasures.

At page 3 of his brochure (*Encore une lettre inédite de Montaigne*) he says:—

“Or, s’il y a une chose qui soit bien établie dans les bibliothèques de Paris, c’est que si un volume précieux, une pièce rare et curieuse, sont signalés d’une manière particulière à l’attention du public par quelques écrivains, ce volume, cette pièce, ne tardent pas à disparaître.

* * * *

“Ce n’est d’ailleurs un secret pour personne, que lorsqu’il y a dans le commerce, ou même chez quelque amateur connu, un ouvrage rare et cher, dans lequel se remarquent quelques défauts,—par exemple une feuille de moins, une planche enlevée, ou même un feuillet déchiré, cet ouvrage ne tarde pas à devenir complet et parfait, grâce à des individus qui au bout de quelque temps viennent offrir précisément la planche ou la page qui manquaient,”

At p. 11 he writes:—

“Si la fréquentation des grands dépôts littéraires a pu me donner une opinion arrêtée au sujet des dilapidations qu’on y a commises, je dois dire que cette opinion est, qu’il n’a pu s’y commettre de soustractions considérables, que par des personnes attachées à

* Will M. Naudet exhibit any mention of this letter in any catalogue, or indicate the volume from which it has been, not cut, but, rudely and violently torn?

un titre quelconque, officiellement ou officieusement, à ces établissemens."

And at p. 16:—

"Du reste, ce n'est pas seulement à la Bibliothèque Nationale que l'impunité a été acquise à certaines dilapidations. Il n'y a pas un amateur dans Paris qui ait ignoré comme quoi il y a très peu d'années, un employé des Archives Nationales a dérobé une masse d'autographes et de papiers précieux (cela formait un poids de plusieurs centaines de livres) appartenant à l'établissement auquel il était attaché. Sans livrer le coupable à la justice, le directeur de cet établissement s'est contenté de le mettre à la porte, et il n'a pas même pu obtenir que les autographes dérobés fussent restitués."

Whoever wishes for more of this sort of reading can content themselves with some thirty pages of the like reminiscences in M. Lepelle's pamphlet.

(2.) In 1834 M. Letronne, then Director of the Bibliothèque Royale, and keeper of the printed books, reported that in his department there were as many as 4,248 works which were *incomplete*, owing to the absence of one or more volumes of the set; and that the number of volumes *thus* missing was 11,530. It is self-evident that, so far as this deficiency was owing to theft, the loss of *complete works* in one or more volumes must have been incalculably larger. M. Paulin Paris, assistant-keeper of MSS. estimated in 1847, at 20,000, the number of volumes stolen from the library, which was at that time to be found in the book trade, or in private collections. In the space of a few days M. Libri obtained from a few London booksellers 300 volumes, with unmistakable indications of having formed a part of various public establishments in France. *Eleven* of these had evidently, from their binding, numbering, lettering, or stamping, belonged to the Bibliothèque Royale.*

These losses have been estimated by others at 50,000 volumes. But what is most remarkable, and to the point, is, that the administration of the library are equally unable to give an account either of what particular books they have, or of what they have lost. The existence of the *remaining* volumes of 4,248 sets, led M. Letronne, by

* M. Naudet denies that *two* of these had ever been the property of this institution.

an easy process, to the enumeration of 11,530 vols. missing *from those sets*; but not a syllable does he venture on with respect to single volumes, or complete sets, which had been abstracted. In 1847 the *Conservatoire* can only complain of exaggeration, and contrast the different estimates which have been made of their losses, which vary from twenty to fifty thousand. They do not, and they cannot, set the matter at rest by giving the actual number. How, indeed, would it be possible to do so without even an inventory?

We dare hardly expect credit for such facts from readers previously unacquainted with them. We must refer them, for fuller details, to the pamphlets at the head of our article; for we have cited M. Naudet and his existing colleagues to speak for themselves, and our space is small, whilst our subject is embarrassed with many necessary details.

Thus then, writes M. Paulin Paris in 1847, à propos of a rather damaging attack made by M. Naudet on his colleagues in an official report, which we shall shortly refer to:—

“M. Le Directeur, (M. Naudet,) seul entre tous les lecteurs de Paris, paraît ignorer qu’il y a, dans la circulation commerciale ou dans les Cabinets particuliers, plus de 20,000 volumes volés depuis un siècle à la Bibliothèque du Roi; et que *tous les quais regorgent de ces livres* sur lesquels l’estampille a disparu ou *n’a jamais été frappée*, mais qui présentent, à l’œil exercé, les marques fort distinctes de nos collections, dont elles gardent soit la relieure, soit les chiffres, soit, &c.”

M. Raoul Rochette, “un des Conservateurs Administrateurs de la Bibliothèque Royale,” thus writes to his learned colleague, the writer from whom we have just borrowed:—

“Je viens de lire votre *Mémoire* sur la Bibliothèque Royale, et je ne puis résister au désir de vous exprimer la satisfaction que m’a fait éprouver cette lecture. *Vous avez parfaitement exposé la situation de notre établissement dans celui de ses départements, où le défaut d’un CATALOGUE général occasionne tant d’embarras, &c.*”

Here are surely indications of a state of things which, had the administration but had the manfulness to avow it as their reason, would have justified some hesitation in accepting M. Libri’s princely offer. Why add thirty or

forty thousand volumes to an already *uncatalogued* collection of some 800,000, increasing at the rate of 10,000 per annum?

Had M. Naudet said:—We cannot keep what we've got, we have no catalogue of a fourth or fifth of our collection, we have been eight years trying to make one, and the work is yet to do; your offer will only add to our difficulties;" he would have told the exact truth, and we should have listened with indulgence to his exposure of the *real* difficulties which impeded the work.

In 1839 the French Chamber accorded the administration of the great National Library the full credit which had been demanded as necessary for the construction of a catalogue.

In 1847 M. Naudet, with a courage worthy of a better cause, undertook to account to the Minister of Public Instruction for the facts:—that eight years had elapsed, out of the twelve demanded and allowed for the completion of the work, that two-thirds of the credit accorded had been expended, and yet that the first line of the MS. catalogue had still to be edited. Perhaps it was owing to these adverse circumstances that M. Naudet's report was deficient in the clearness and precision which would have reflected credit on his candour and his style, and which were so necessary for the occasion. To the same cause we may perhaps attribute the alacrity with which the Administrator General escapes from his subject to attack his colleagues:—

"Comme conservateur du département des Imprimés, (he writes in his report,) Je suis pour tout ce qui a dû s'y faire responsable de moitié avec mon collègue. Mais en qualité de *Directeur*, il faut bien qu'on le sache, n'ayant aucun pouvoir de contrôle sur les travaux intérieurs des autres départements retenu en dehors par le droit exclusif des conservateurs sur leurs gouvernements respectifs, je ne saurais encourir l'imputation de ce qui s'y fait ou ne s'y fait pas."

The business of the Bibliothèque Royale was so conducted then, in 1847, that M. Naudet declined to be answerable for what was done or left undone in the departments of his colleagues.

The application made by the daily papers of this phrase did not tend to divest it of its criminatory and minacious character. The *Presse* called loudly for reform by the investiture of M. Naudet with more absolute power over

his learned colleagues, and the *National* attributed the sentence to his knowledge, not only of the *idleness*, but of "*un plus vilain vice*," existing in certain departments. The same journal continues:—"Une question qu'il s'agit de traiter avant toute autre, c'est de savoir si le *regime anarchique*, cause de tant d'abus, anciens ou nouveaux, sera maintenu, &c."

It may easily be conceived that this phrase of M. Naudet's, and the damaging insinuations conveyed in its interpretations, did not pass without notice from his colleagues; and we indeed owe much valuable information as to what passes within the dingy and placarded walls of the Bibliothèque Royale to the polemic thus evoked.

"Pour le reproche de *paresse*, (writes M. Paulin Paris,) moins fréquemment adressé aux membres de l'Académie des Inscriptions qu'aux enfants dans nos collèges, il est bien difficile de s'en défendre. Mais pour *un plus vilain vice* et des *écarts individuels* il m'en coûtera peu de déclarer sur l'honneur que je ne saurais deviner ce qui pourrait en être le prétexte parmi nous."

We have heard the fitness of M. Naudet for his post of Administrator of the National Library very plausibly questioned; we have seen him convicted of rash assertions, but we have never heard anything of him which would lead us to doubt that he would at once have come forward with a disclaimer of such insinuations, and an explicit avowal of the true meaning of a phrase which had been made to bear an interpretation so insulting and degrading to his colleagues. Surely, every one will say, he would have hastened to relieve his irritated colleagues of the imputations which he had been thought to have fastened on them. But not so. *Some months later*, in a letter addressed to the Minister of Public Instruction, and published in the *Moniteur*, he thus, for the first time, breaks silence:—

"On dit qu'il a éclaté à la Bibliothèque une guerre de savants à savants; non: il s'agit de quelque chose de plus triste, et qui doit attirer d'une manière plus sérieuse l'attention du gouvernement. Sous la protection de ce titre de savants, des fonctionnaires d'un grand établissement, se sont livrés à tous les emportements de leur animosité contre le chef de l'administration dans des écrits où l'on ne respecte ni les convenances dans les formes, ni la vérité dans

le fond. Et quel fut leur prétexte? *Un seul paragraphe,** de mon rapport, que vous avez fait imprimer, Monsieur le Ministre, sous votre garantie, dans deux journaux officiels, et dont je maintiens l'exacte vérité dans toutes ses expressions. *Aux interpréteurs† du paragraphe la responsabilité des interprétations que leur a dictées leur CONSCIENCE ALARMÉE."*

We have brought out our story in the very words of the actors in this instructive interlude. We will hope that our inverted commas, and all the other machinery for marking an extract, may save our narrative from M. Naudet's over-indignant denunciations—"des diatribes," and "des allegations fausses," which he hurls at his colleagues whilst he prides himself upon disdaining to notice their attacks.†

We have no wish to disturb the superior serenity which deals out such epithets; nor to engage the ingenuity, which has proved equal to the conservation of a library without a catalogue, and with the assistance of colleagues with alarmed consciences, in the easier task of disowning its own words, and the interpretations of the friendly

* This language is really too trivial for a serious occasion. '*Un seul paragraphe*:' M. Naudet must surely see that a degrading imputation may be conveyed as well in *one* paragraph as in *twenty* pages. We cannot but call to mind the parallel case of the frail fair who excused herself by alleging the extreme smallness of her child.

† M. Naudet was writing too fast, or excitedly, to remember that the *interpreters* were the daily Journals, and not his colleagues.

‡ We cannot but commend the avowed indisposition of M. Naudet to mix himself up with personal controversy. We could wish, however, that this indisposition were somewhat stronger. We will not take the liberty of criticising his style, but surely there is something in the subjoined extract which would render it highly desirable that M. Naudet's indisposition were to take the form of a resolve. M. Naudet, in a published letter to M. Libri, reminds him of the "rapports de politesse" which formerly existed between them, and soon afterwards thus writes of him:—

"Belle entente cordiale entre l'Italien, (meaning M. Libri,) déchu de l'adoption hospitalière de la France, devenu Anglais par désespoir, et un Français, (meaning M. Feuillet de Couches,) employé supérieur d'un Ministère, pour exciter les étrangers à faire irruption dans la Bibliothèque Nationale!"

National. But till this explanation appears, until *un plus vilain vice* is made to mean a zealous discharge of duty, and "*une conscience alarmée*" the inward peace of habitual and unsuspected integrity, we must be allowed to point out to our readers that a *victim* was a strict necessity of the situation, and that the selection was a most promising one. Here was an *Italian*,* already an exile, through the masterly intrigue by which one of the editors of the *National* had driven him from France, and saved society a "*reaction*," who had sought, not only the hospitality, but the brotherhood of perfidious England, whose wit, talents, perhaps intemperance, whose adhesion to the late government, and whose friendship with M. Guizot, had raised up a host of enemies, and combined in rendering him, as was no doubt thought, a *safe* object of attack. He had, too, a very large library; it was *certain* to contain books and MSS. on which a hostile commission could construct something of a case. The Public Libraries had been pillaged right and left for a century; it was *certain* that a collection like his must contain something questionable, and why should he prove an exception to the general rule, that "throw dirt enough, and *some* will stick?" But the progress of the prosecution was not so happy as its original prospects were promising. M. Libri was not the man to sit down idly under such imputations; whether *right* or *wrong* in his *matter*, he wielded a pen which none of his adversaries could match, and defenders started up in every corner of Europe. The tide, which we warn M. Arago, the *National* and the Commissioners, will yet carry M. Libri over the obstacle presented to the defence, has turned. The question has assumed a different aspect:

* Those who would see a singularly striking example of the difference between the treatment of an *Italian* and a *Frenchman*, may acquaint themselves with the history of the charges brought by the Bibliothèque Nationale against M. Feuillet. They will notice the striking similarity between them and those brought with far less evidence of just cause for suspicion against M. Libri. Not a book, not a MS. in M. Libri's case has been identified, not so in the case of M. Feuillet. Yet M. Libri is an exile, "*devenu Anglais par desespoir*," and M. Feuillet is Master of the Ceremonies at the Foreign Office in Paris. M. Libri, who was absent, the victim of a political intrigue, is condemned *par contumace* to ten years' imprisonment. M. Feuillet has never been proceeded against.

it was once one relating chiefly to M. Libri's character; it is now one in which his accusers are at least equally involved, and in which it is difficult to distinguish between plaintiff and defendant. "A plaguy egg of a peggy crow," say the prosecution and the Administrators; but they cannot, like the Athenian Judges, adjourn the cause. They are in much the same predicament as the Irish serjeant; his prisoners wouldn't come along with him, and he couldn't come along without them. From this point of view the whole story reads smoothly and consistently. The Administrators of the Bibliothèque Nationale consider the defenders of M. Libri as their "*ennemis acharnés*," and defend the "*mensonge*" (we cannot venture to translate) of M. Ravenel as loyal and praiseworthy.

But thus it is that the best laid plans are sometimes frustrated, that sometimes the engineer is hoist by his own petard.

But a shrug of the shoulders, and the name of M. Libri, will no longer, we suspect, serve the Administrators of the Public Libraries of France the same good turn as did the sham fire at Wolf's Crag for the poor Caleb Balderstone of our great novelist:—

" 'Where's the family pictures?' says ane meddling body. 'The great fire at Wolf's Crag,' answers I. 'Where's the family plate?' says another. 'The great fire,' says I.....' Guide the fire weel, and it will serve ye for a' that ye suld have and have not—and, in some sort, a good excuse is better than the things themselves; for they maun crack and wear out, and be consumed by time, whereas a gude excuse, prudently and creditably handled, may serve a nobleman and his family, Lord kens how lang! "

It will be quite impossible fully to account for all the incidents of this extraordinary prosecution on any other ground than insanity, so entirely is it devoid of all legitimate foundation, if it be not borne in mind, as we have before hinted, that, totally independently of any direct evidence against M. Libri, the charge was one which there was *great antecedent probability* of obtaining colourable evidence to support. There is perhaps no large private collection in existence of rare books and MSS. which does not contain a large per-centage of what has been, one time or another, public property; the circumstances that books or MSS. may have got into circulation fairly, by means of sales and exchanges, and that enor-

mous quantities have publicly changed hands without reclamation, during the past century, being considered to legitimize their possession. We doubt if the Bibliothèque Nationale could show as good grounds for the retention of many of its treasures.

M. Naudet, though a man of profound learning, has never enjoyed the reputation of having graduated high in bibliography, nor of being much of a collector of books; but *it is said*,* (M. Lepelle reports the story,) that wishing to sell or exchange a copy of the *Historiens des Gaules*, he appeared much astonished on its being pointed out to him that the first eleven volumes bore the marks of the erased stamps of some public library. But it is not only a matter of certainty to find such books in any large collection, but it is also a common thing to hear from some quarter or another, and sometimes pretty universally, the suggestion, or the assertion, of illegitimate acquisition.

It is for want of space, not of matter, that we must now leave the Bibliothèque Nationale, and turn to the *Acte d'Accusation* in that part which relates to the Library and Archives of the Institute.

"Les Archives de l'Institut, (says the Act,) placées sous une surveillance spéciale, ne sont accessibles qu'aux Académiciens.

"Les ouvrages de science et les inventions nouvelles étant soumis à l'approbation de l'Académie, qui les fait examiner par des rapporteurs choisis dans son sein; les Archives devraient seules posséder les documents de ce genre.....De tels documents ne peuvent entrer dans le commerce. Aussi jusqu'en 1839, les ventes publiques n'en offrirent pas un seul....Ce fut une nouveauté que la mise en vente, à la date du 27 Février, 1839, de deux rapports, l'un de Clairaut et D'Alembert, l'autre de D'Alembert et Lemonnier, sur des ouvrages soumis, à l'Académie; et cette nouveauté était due à Libri. C'est encore lui et lui seul, d'après les constatations de l'expertise, qui a vendu des documents du même genre, notamment deux rapports de d'Alembert."

The argument of this we take to be as follows:—The Archives of the Institute were open to M. Libri as a member of a select class. Academical reports must necessa-

* We hope the framers of the Act of Accusation will pardon us this little plagiarism; but our, "*it is said*," differs in two respects from the "on dit" of the Act; for, firstly, we cite our authority, and, secondly, we convey no imputation.

rily belong to these Archives. Until 1839 no academical reports had been offered for sale. In that year M. Libri sold some. He was then the *first* vendor of such documents. But, "d'après les constatations de l'expertise," he was the *only*, as well as the *first* person who so sold such documents.

Now, if all this be true, and the material parts are absurdly false, every one must desiderate weighty evidence which should connect M. Libri with the abstraction. The proofs offered are *the sale* of four reports of absolutely no venal value, for these reports are autographs only so far as *the signatures* are concerned, and *the possession* (this is to be found in the continuation of our extract) of forty-six other reports, and of "numerous letters," as also *the sale* of some other documents of apparently a more valuable nature.

But when were the incriminated articles last in their places? Had they been absent one, ten, or fifty years? Some were publicly sold by M. Libri *ten years* before this charge was preferred. Strange, indeed, if he were willing thus to encounter the suspicion arising from such a *novelty* for a few francs! In what sense, too, do the commissioners use the expression, "public sales?" And had not such documents been notoriously sold *en masse* by private contract? And did not, we will add, although this is not a question which would naturally suggest itself, did not M. Lalanne* know this as well as we do? Cer-

* We hope MM. Bordier and Bourquelot will pardon this apparent exclusion of their names in speaking of the commission. In the *first* place it is understood that M. Lalanne was the compiler of the report; and in the *next*, when we speak of one we do no wrong to the others, for it must be a consequence of the brotherhood or friendship of which this commission was the foundation or the key-stone, that the praise or blame will be shared in common, and without mutual jealousy, amongst those who are henceforth to have but "one thought, one aim, and one voice."

Many pleasant days did these gentlemen spend in M. Libri's chambers during the twenty months of incubation; and thus, according to M. Lacroix, passed some of the time which was necessarily devoted to recreation, whilst they were fulfilling their honourable vows for the destruction of M. Libri:—

"A peu de jours de là, certains membres de la Commission, en s'occupant de l'examen des livres...imaginèrent, par manière de

tainly we have a right to infer that he did, for the Act, in its last paragraph relating to the Institute, speaks of M. Libri's acquisition of *some* documents of the same nature as those incriminated, at a *public sale*, and of his purchase of the Arbogast collection, and thus sinks the charge of theft into one of "inexplicable *detention*."

"Mais alors même qu'il justifierait de *l'acquisition légitime* d'un certain nombre de ces pièces, il resterait toujours à sa charge le fait de la *détention* inexplicable de documents nécessairement soustraits à l'Institut."

Which may be thus rendered into plain English:—"If we can't convict M. Libri of the crime charged, at least acknowledge that he did *something else* discreditable to him!" But we will accept this conclusion as little as the other. We will prove that M. Libri was not either the *first* or *only* vendor of such documents, and that the Archives of the Institute had been *pillaged* long before M. Libri's arrival in Paris; that such documents had been publicly sold by persons whose possession of them gave a sort of official guarantee to the loyalty of both possession and transfer, and that they passed from one hand to another in the way of complimentary presents *from persons who might be supposed to know and to practise the jus commune of the Institute*.

Here are two letters which will throw some light on a part of the subject, and prove that if papers "necessarily proceeding from the Institute" had not been objects of

délassement, de dessiner à droite et à gauche de petits bonshommes attachés à la potence, avec la devise sacramentelle usitée dans les Collèges des Jésuites :

"Aspice Libri pendu,
 "Quod librum n'a pas rendu,
 "Si librum reddidisset
 "Libri pendu non fuisset.

"Dans ce quatrain macaronique ils remplaçaient le nom de *Pierrot* par celui de *Libri*, et ils étaient si charmés de la substitution, qu'ils chantaient à haute voix, dans l'appartement même de M. Libri, ce qu'ils regardaient comme propre à lui servir d'épithaphe.

"Enfin, les trois experts ont fait entre eux une espèce de serment des trois Suisses, (l'un d'eux me l'a déclaré lui même,) pour s'appuyer, se soutenir, et se personnifier l'un l'autre, de telle façon qu'ils n'eussent qu'une pensée, un but, une voix."

commerce, it was because no sufficient value attached to them, and that they were still in the hands of grocers and buttermen. The first is from Mlle. Germain :—

“ Je me suis empressée, Monsieur, de demander à M. Fourier les renseignemens que vous désirez ; malheureusement il paraît que les papiers de Fermat, de Descartes, et des autres anciens géomètres, qui, d'après ce qu'on vous a dit, devoient exister à l'ancienne Académie des Sciences, ont été égarés ou enlevés ; on s'en est assuré, m'a-t-il dit, lorsque l'Académie a proposé un prix pour la démonstration du dernier théorème de Fermat. Déjà à la révolution les archives des Académies avoient été mises au pillage, et, par suite du goût des autographes qui s'est tant repandu, *les pièces les plus remarquables qui existoient à l'Institut ont disparu*. M. Fourier m'a raconté à ce sujet des choses fort curieuses qui prouvent qu'on ne se fait aucun scrupule de puiser dans les cartons de l'Institut ; du reste, il en est à peu près de même partout. On m'a assurée que *les lettres des plus anciens astronomes de l'Observatoire sont mises très galamment à la disposition des femmes du monde* ; c'est donc plutôt dans les albums des dames que dans les archives de l'Institut que vous avez la chance de trouver ce que vous cherchez.

“ Je compte toujours sur l'honneur de vous voir Mercredi. Agréez l'assurance de la considération la plus distinguée.

“ S. GERMAIN.”

The next is from M. Fourier :—

“ Institut de France,

“ Académie Royale des Sciences.

“ Paris, le 18

“ Le Secrétaire perpétuel de l'Académie.

“ J'ai l'honneur de me rappeler au souvenir de M. Libri, et le prie de m'informer s'il a une copie du rapport fait par M. Cauchy, le 9 Août 1824, sur son mémoire relatif à la théorie des nombres.

“ Je désirerais faire mention de ce rapport dans l'analyse des travaux annuels, et le citer d'une manière qui conviendrait à Monsieur de Libri. Je lui communiquerai auparavant cette citation.

“ J'ai inutilement cherché ce rapport dans les pièces qui m'ont été remises ; je prie Monsieur de Libri de me le communiquer le plus promptement qu'il lui sera possible. Je l'enverrai prendre chez lui demain avant midi.

“ Je prie Monsieur de Libri d'agréer mes vœux, et mon désir de conserver les sentiments qu'il veut bien m'accorder.

“ J. FOURIER.

“ Si Monsieur de Libri a vu Mademoiselle Germain *il a dû apprendre que l'Académie a perdu la plus grande partie de ces anciens papiers*. Les écrits mathématiques que Monsieur de Libri désirait consulter *n'existent malheureusement plus dans ses Archives*.

“ 12 Juin, Paris.”

But, Messrs. Lalande and Company will exclaim, with the *one voice* resulting from their friendly vow, These letters are undated. Just so, but M. Fourier's, which fixes the date of the other, must have been written *previously* to the publication of the report in which he wished to make mention of M. Libri, and this report was published in 1825.

For further proof of the state of the Archives of the Institute, M. Libri, who is evidently better read in the history of science than the commissioners, cites the "*Mémoires de l'Académie des Sciences*," for 1790, (published 1797) in which Lalande attributes to the "distractions" of the Perpetual Secretary* the absence from the Archives of "*la partie historique, les rapports, les programmes de prix, et les observations adressées à l'Académie.*" These distractions and his death, in 1794, says Lalande, "ont rendu difficile le rassemblement de ces différentes pièces."

In vol. xlvii. of the "*Mémoires de l'Académie des Inscriptions*," Dacier, who wrote twelve years later, thus expresses himself:—

"Nous regrettons de n'avoir pu rassembler tous les mémoires qui méritoient d'y (in the history for the years 1785 to 1793) trouver place ; mais plusieurs qui avoient été déposés au secrétariat ont disparu, ainsi que quelques autres ouvrages, après l'invasion des barbares dans le sanctuaire des Muses ; et il a été impossible d'en découvrir la moindre trace."

M. Monmerqué (conseiller à la cour Royale, et Membre de l'Institut,) quotes the authority of Pellisson, to show that the registers of the Academy were commenced in 1634, and then states, of his own knowledge, that those actually preserved did not reach farther back than 1672. He observes that twenty-two volumes of the MSS. of Conrart were to be met with in the trade, and, he adds, that he had been able to procure many specimens from the grocers.

Let us next ascertain the value of the glib and confident assertion, that M. Libri was the first and only vendor of MSS., necessarily proceeding from the Archives of the Institute.

The following are extracts from the catalogue of the sale of M. Monmerqué, in 1837. As a magistrate and

* Condorcet—who was then a deputy, and shortly afterwards took poison ;—veritable distractions these.

member of the Institute, he may be supposed to have known and respected any right of property which that learned body claimed, or had in such documents.

"No. 115, BERTHOLLET, savant chimiste.

"Rapport entièrement écrit de sa main, et signé, du 12 Mars 1785, sur l'aëromètre.

"220. CANOVA (Antonio), sculpteur.

"L. A. S. (2) du 2 Octobre 1802, adressée au président de l'Institut de France, pour le remercier de ce qu'il avait été nommé correspondant.

"543. GERARD (Louis), botaniste, membre de l'Institut.

"Mémoire A. sur la nature des feuilles seminales.

"614. HEYNE (Chrétien-Gottlieb), commentateur de Virgile.

"A. S., du 27 Mars 1812, à l'Institut de France.

"643. JENNER (Edouard), inventeur de la vaccine.

"L. A. S., adressée à l'Institut."

We quite agree with the Act that:—"La provenance de ces lettres (or pieces) ne peut être un instant douteuse," but they were, nevertheless, publicly sold *two* years before M. Libri for the *first* time, and he *only* sold two such documents in 1839.

The letters of Heyne, Jenner, and Canova, are of a date as late as 1812, and, therefore, were lost after the distractions of Condorcet, and the invasion of the barbarians. They had been fac-similed in the Isographie, and their possession attributed to M. Monmerqué, who, as we have seen, subsequently sold them. But M. Monmerqué is a French magistrate, and M. Libri only an *Italian*.

In 1843, seven years before the appearance of the Act, we find as many as twenty-one pieces of the same kind in the catalogue of the sale of the autographs of la Marquise de Dolomieu. Some of these are of more than ordinary value; amongst them is an autograph signature to a letter of the emperor Napoleon addressed to the president of the Institute, and a memoir by Laplace. The date of one of the pieces is as late as 1828.

From the same catalogue we reproduce the following:—

"No. 14. ARAGO, astronome célèbre.

"L. aut. sig. du 25 Novembre 1825. Envoi d'un fragment autographe de Galilée.

"..... Je prends la liberté de vous adresser ces venerables caractères qu'a tracés le savant le plus illustre dont l'Italie puisse se glorifier, etc."

"Le fragment est joint à la lettre"—

which, while it serves to illustrate the politeness of M. Arago, may throw some light on the means possessed by the Marchioness of procuring such documents as figured in her catalogue.

In the Egerton collection* we find another instance of the certificate of a perpetual secretary to the genuineness of an autograph, which *in this case*, evidently came from the Archives of the Institute, for it is a letter addressed to his colleagues of the Academy of the Fine Arts, in which he takes leave of them. The certificate is as follows:—

“Lettre que Grétry écrivit au secrétaire perpétuel de la classe des Beaux-Arts de l’Institut de France. Elle est de sa main. Certifié véritable. Le Secrétaire Perpétuel,

JOACHIM LE BRETON.

In the same collection† is a letter from Euler to d’Alembert, another perpetual secretary, stamped with the seal of the Academy of Sciences.

But we have not yet quite done with perpetual secretaries. In the *Isographie* (published 1828-30,) are fac-similes of the letters of four eminent persons, officially addressed to perpetual secretaries of the Academy, and stated to form part of the collection of Mlle. Cuvier, herself the daughter of a perpetual secretary.

* This collection, left by Lord Egerton to the British Museum, has formed a portion of our great National Library since 1828, some years before M. Libri took up his residence in Paris.

† In this (the Egerton) collection are also to be found the following, all bearing more or less on our subject:—

Aut. L. of Bergman, returning thanks for his election to the Academy of Sciences. With the stamp of the Academy of Sciences.

Letter of Diana of Poitiers, with annotations in the handwriting of one of the keepers of the Bibliothèque Royale.

Letter of Montaigne (previously mentioned) similarly annotated.

In the Harleian MSS. are thirteen leaves from the great Bible of Charles the Bald, first identified as a portion of the celebrated MS. in the Bibliothèque Royale, by Sir F. Madden. See his Paper in the *Gentleman’s Magazine*, 1836.

Some volumes of this collection are full of imperfect MSS., which M. Jubinal asserted to the authorities he could identify, on one ground or another, as having been formerly in the Bibliothèque Royale.

Doubtless the Isographie did not contain the whole of Mlle. Cuvier's collection. Will the concoctors of the Act, who, on the mere evidence of the *possession* by M. Libri of such documents, charge him with fraudulent abstraction, tell us what has become of this collection? And if they know as little about this, as we must charitably hope they did of the evidence we have adduced, let them set to work on a new edition, and bring forward, at least, plausible arguments to connect M. Libri with *fraudulent abstraction* in at least one case.

The catalogues of other sales, and the *Traité des Matériaux manuscrits* of Monteil, would furnish a mass of evidence of the like kind; but we feel that we have rather to excuse ourselves for the abundance of the matter which we bring to bear on the rude and loose assertions of the commissioners, than to fortify our facts with further evidence of the like kind. We must, however, still beg the attention of the reader whilst we show the value of what is contained under the admission, that M. Libri had become the purchaser of the Arbogast collection;—a magazine of MSS., the acquirer of which, as will be seen, might well have a richer catalogue of pieces, “evidently proceeding from the Institute,” than M. Libri is charged with possessing.

We have a MS. list in Arbogast's own hand, as follows:—

“Indication des Savans dont je possède les manuscrits, le Commerce Epistolicum ou des Pièces Separées—D'Alembert, Bachet, Bernoulli, Billy, Borda, Borelli,.....Cassini, Cavallieri,....Clairaut, Condorcet, Descartes, Euler, Fermat, Flamstead, Fontaine, Frenicle, Galilée, Gassendi, Halley, Hevelius, Hobbes, Huyghens, Kepler, La Condamine, Lagrange,.....Leibnitz, L'Hospital.....Newton, &c., &c. (fifty names in all).

Some pages are there devoted to a more detailed list of some original letters of Descartes to P. Mersenne and Cavendish, and of some other pieces by the same hand. These are said to have been, “*Trouvées à la Bibliothèque de l'Académie des Sciences de Paris.*”

The richness of this collection, and its acquisition by M. Libri were so notorious—it would so evidently account for much more than the Act charges—that we cannot but believe that MM. Lalanne and Company foresaw the inevitable triumph of M. Libri's answer, and prepared the more

moderate complaint of "la détention inexplicable de documents nécessairement soustraits à l'Institut," to cover their defeat. It is worth while, in answer to this feeble effort, to observe, that independently of its being evidently *pro bono publico*, that men of science and amateurs should have an interest in rescuing such property from the destruction which would evidently ensue if they did not seize the opportunities which present themselves occasionally, of rescuing them from the pastry-cooks, the trunk-makers, and paper-stainers; to observe we say, independently of this, that custom has legalised the traffic; that there is no considerable collection in existence but owes its riches to the acquisition in the open market, or by private contract, of objects whose disappearance from their evidently original home may have been of a doubtful or inexplicable character; that by a *common consent* collectors and public libraries, (as evinced in the history of their own collection,) acknowledge the indefeasibility of such property in the hands of purchasers. That in the individual case it was not only a matter of common notoriety that M. Libri had purchased the Arbogast collection, but that it was known to the Government and the Institute themselves; and more still was known, for the pieces themselves had been exhibited to several members of the Institute. To speak of inexplicable detention in a criminal process *twelve years* after open purchase, and continuous possession, known to the Institute, must suggest the existence of that *animus* of the commissioners which we have, happily for the interests of justice, been able to prove by more direct evidence.

We have sufficiently gleaned from an abundant field of facts, to show that the mere possession, apart from any specific proof of fraudulent acquisition, of a few volumes and MSS. once, but at a date which is never established, belonging to one or more public libraries, and in an immense collection, consisting of 40,000 printed volumes, and several cart-loads of MSS., is not of itself evidence that the actual possessor had stolen them, and that it does not even *per se* render such theft probable; but that it is rather the natural and inevitable consequence of wholesale collection.

But there is another main pillar on which the enemies of M. Libri rely for building an edifice of suspicion, if not of proof, against him, and we strongly suspect on our part

that a case of suspicion was all that even their hopes were directed to. They say, then that M. Libri *must have acquired* his collection fraudulently, for that *he had not the means* of acquiring it otherwise.

To arrive at this conclusion, the commissioners value the collection at 600,000 francs,* and proceed to inquire into M. Libri's means of paying for such a collection. We need hardly say that they find them very insufficient. They start with the assertion that M. Libri was *notoriously* (so notoriously that they dispense with any evidence of notoriety or of fact) needy, on his arrival in France, in 1830, and they publish *extracts* from the letters of Mme. Libri to her son, to show that he could have drawn no resources, as he had asserted that he had, from that quarter. We cannot stay to point out how these extracts will bear a very different construction, nor how the relative position of Dr. and Cr. have been mistaken in other cases. We will rather point to the very significant fact that the commissioners acknowledge that they found amongst the papers of the accused, evidence of the acquisition by purchase of books to the amount of 150,000 francs, i.e., of one fourth the ultimate value of the whole collection. Is any further answer necessary? M. Libri was forty-six years of age, and had been a collector from his earliest youth, say for thirty-one years. He is, then, found in possession of books of the then value of 600,000 francs. Let any one ask himself what, in his own case, would be the result of such a seizure, would the officers of justice find amongst his papers receipts for more than a fourth of his purchases

* The commissioners thus obtain this amount :—

10. The proceeds of the sale of MSS. to Lord Ashburnham,	...	...	...	...	...	f. 200,000
20. The proceeds of the sale of 1847,	...	...	...	...	...	105,751
30. The value according to M. Libri of the remainder of his library,	...	...	...	...	...	300,000
Total,						605,751

The commissioners consider this below the actual value, but *are content* to take M. Libri's own valuation of the third item, i.e., they assume the valuation of an amateur, who complains that he is ruined by the seizure of his property to be exact. This is pretty well, but to take credit for fairness and moderation in doing so is "too bad."

over such a period? The Act of Accusation does not condescend to particulars, so that we cannot tell whether the particular accounts of the purchases of books to this amount of 150,000 francs are, or are not, included in the accounts, either original or certified by the vendors, to the amount of upwards of 200,000 francs, which we have seen and examined whilst they were in the possession of Mr. Panizzi, and where, we believe, they may still be seen. Here, then, is one-third of the value of M. Libri's library at once accounted for, and we cannot but attach some weight to his assertion, that he has failed in procuring other accounts through the fear of the booksellers of Paris.* To this sum of 200,000 francs is to be added the value of M. Libri's Italian collection, and of all those books and MSS., the gradual acquisition of which, generally at a low price, is a part of the daily work of the Bibliophile. Taking only the sixteen years between M. Libri's taking up his quarters in Paris in 1831, and his departure in 1848, is it too much to suppose, or will the commissioners in the pursuit of their bibliographical studies, which evidently commenced only when they received their appointment from M. Carnot, who had also as evidently confounded bibliography with palæography, enquire into the probability of the supposition, that the value of rare books had more than doubled in the time? But if this is true of the average selling value of books, what further allowance should be claimed for the acknowledged superior learning, and the indefatigable industry, of such a collector as M. Libri? Again, is it, or not, true that books when separated, the one from the other, and lost in a crowd of an inferior value, become when bought by a well-known amateur, the credit of whose judgment gives a sort of certificate of merit, of say ten times the selling value of this very same book, when otherwise more unfavourably circumstanced?

M. Gustave Brunet, President of the Academy of Sciences of Bordeaux, who, without any previous personal knowledge of M. Libri, and actuated only by admiration

* We have since acquired good evidence of the fact. A large bookselling firm in Paris has, after repeated solicitations for a copy of their account of books sold to M. Libri, acknowledged that they could not furnish such a document without damaging materially their present commercial interests.

of his talents, and a conviction of the justice of the cause, undertook his defence, has related many interesting details of the purchases made by him.†

Thus he cites the case of the *Orlando innamorato*, (*Venise*, 1543,) bought by M. Libri for twenty sous, and sold by him in 1847 for seven hundred and sixty francs. Many instances of the like kind might be given, but we must limit ourselves to two others. The work of *Alioni*, (1521) incriminated by the Act of Accusation, was purchased by M. Libri, in a lot embracing many other books, in 1828, at the price of two hundred and seventy pauls—say one hundred and fifty francs—of M. Gaetano Becherini, a bookseller at Florence, and sold in 1847 for one thousand seven hundred and fifty francs. The “*Corrigiano del Castiglione*” was purchased by M. Libri of M. Merlin, (then a bookseller, but now sub-librarian at the Ministry of the Interior,) for fifty francs; some expenses were incurred in mending and perfecting it, and it sold in 1847 for five hundred and nineteen francs. All this is the natural and, in the long run, the certain result of a thorough appreciation of the value of books on the part of a collector, of the increased value which rare copies have recently acquired, owing to the more general diffusion of bibliographical taste, not to say mania, and of those fortunate opportunities which seem only to occur to those who know how to use them. But all this being true of printed books, the advantages of learning and opportunity are tenfold greater in respect of MSS.

The experienced eye of an accomplished critic and collector detects treasures which it required his previous study and learning to identify; and it often happens that in wholesale purchases a few gems, which do not, inasmuch as they were not known to exist in the lot, affect the value of the remainder, amply repay the whole purchase money, and leave the fortunate acquirer with as much value in hand as he was believed to have originally purchased. It is not *every* autograph that is signed, and how

† It is a fact not quite immaterial, that an independent witness who takes so much interest in bibliography, as to keep priced catalogues of important sales, should have been so long acquainted with M. Libri as a large purchaser.

many collectors will recognise in a hundred volumes of MSS.* the hand of Galileo or Montaigne?

The narrative of the discovery of the four hundred volumes of the Galileo MSS. is in point, and is in itself so interesting, that the reader will be glad to escape with us for an instant, while we tell the tale, from the wrong doings of commissioners, and the dry details of evidence.

Viviani, who prided himself on being the *ultimus discipulus* of the great Florentine, collected with almost pious care the scientific relics not only of Galileo, but of his pupils and contemporaries. The full value and extent of the collection which he thus formed will now never be known. Alarmed lest the prevailing charges against the orthodoxy of the new school might bring himself into trouble, or perhaps from generous feeling for the safety of his treasures, he hid them in a grain cellar, whose entrance was through a not very obvious trap door, and died without divulging his secret. Fifty years afterwards a servant

* In a purchase of about one hundred and seventy volumes of MSS., of which upwards of one hundred were professedly autograph, from Messrs. Payne and Foss, M. Libri found no fewer than nine autographs of Galileo. Probably there were not a dozen men in the country who could have detected them.

The ordinary mode of describing such property in sale catalogues, should altogether exclude the bringing of such charges as have been made against M. Libri on *such* evidence. Here are a few examples from the sale of Lord Seymour's books in 1830.

497. Lot of autograph letters arranged by order of the alphabet—they consist of 3600.

498. Collection d'autographes des savans et d'autres—about 1200 papers in six packets.

455. Collection d'autographes des Rois de France depuis Charles V. et Louis XI., jusqu'à Charles X.—fifty letters.

Suppose that in an enormous collection thus made, there should be found a few letters which “d'après les constatations de l'expertise” should be found one time or another, (which is never definitely stated,) to have formed part of a public collection, what inference can be drawn from the fact? Suppose, moreover, it is in evidence, though this never finds a place amongst the “constatations de l'expertise,” that this same public collection has been loosely and dishonestly administered, and that its shelves still bear evidence of wholesale pillage. The conclusion would rather be, that if such documents were not found in a private collection, there must have been some remarkable and unaccountable means of detection and expulsion.

discovered this store-house of *waste paper*, and for many years exchanged parcels of it for wine and sausages at a neighbouring grocer's. But a period was at last put to this ignoble traffic, and the good angel of science directed the senator Nelli, and a party of friends, into the neighbourhood. Having sent for some refreshments to our grocer's, the excellent senator soon became engrossed on the wrapper of a sausage, which he devoured more eagerly than the savoury fare which it had enveloped. He ascertained where the sausage had been purchased, and pleading a slight attack of illness, left the party to prosecute a discovery, the traces of which were in his hands. Finally he obtained both the unconsumed stock of the grocer, and the remainder of the contents of the grain cellar. Several hundred volumes, the results of this happy discovery, and of the subsequent diligence of Nelli, are now in the Grand-Ducal library at Florence. The careful editing of the large unedited portion of this collection would interest the world more, although it might amuse a general audience less, than apocryphal stories about showers of toads; but the French Institute have folded their arms, whilst the most capable member of this learned body for such a task, has been expatriated by an invasion of barbarians, as hostile to the advancement of science as the revolutionists, who, in the words of Dacier, "invaded the sanctuary of the muses," were to the more polite studies of the Academy of the Inscriptions.

We have previously incidentally observed, that the commissioners must have *commenced* their bibliographical studies with the task which was confided to them by M. Carnot. This is a serious charge, and we are bound to make it good.

Perhaps there are fewer more evident marks of narrow information on any science than unacquaintance with its language. The commissioners call books "*documents imprimés*," and so little used are they to distinguish the unmistakeable difference between printed characters and MS. imitations, that they decide an inscription in a book to be either printed or manuscript. They read S. Jo., in the inscription "*Bibliothecæ S. Jo.* (abbreviation of *Sancti Johannis*.) in *canalibus Placentiæ*," as S. 10; and lest such a mistake should be attributed to the press rather than the pen, they accuse M. Libri of having made this inscription on the title page, to imitate an edition of

Plaisance instead of Venice, i.e., entirely to destroy the value of the book, and to put an inscription to indicate the edition which does not even pretend to indicate it, and in a part of the volume where no bibliographer would look for it.

The first work in the inculpatated list bears a title half French, half Italian, "Pétrarque, gli Triomphi." The next work—of A. C. Fabritius has only the *prænomen*, A. Cinthius; which is as if one were to quote the history of England as T. Babington's; so also the poet *Saxus* is the *Pamphylus* of the Commissioners. They make the contemporaneous notes and corrections of the *Cortigiano* of Castiglione a certain mark of the identity of the particular copy sold by M. Libri, whilst they might be safely defied to produce a single existing MS. of the work without such notes. Even in the octavo edition of the Act there are innumerable small blunders which must be attributed, after what we have seen, to ignorant and unpractised eyes, rather than to extraordinarily careless corrections of very untidy printing.

But although the work was undoubtedly begun in ignorance, the Commissioners evidently took to reading up their subject during their twenty months' enquiry, and the Act lets us into the secret of their chosen author:—Fontaine, the blunders of whose Manual M. Libri has sufficiently exposed, in his letter to the President of the Institute.

The Commissioners are equally ignorant of all the little historical incidents which go towards dignifying the study of bibliography; thus they class Bignon amongst the secretaries of the Academy of Sciences, and blunderingly forgetful of the origin of *the Institute*, give it as a seal the sun in the middle of *three fleurs de lis*—i. e., the old seal of the Academy of Sciences.

If, after the history we have given of the antecedents of the Act of Accusation, and after the entire demolition of the main pillars on which are founded the suppositions of M. Libri's culpability, we examine further into any of its charges in particular, it is not in the interests of M. Libri's defence that we shall do it. We would rather, by a few examples, exhibit to our readers a degree of extreme carelessness, or of wilful blindness, which we could hardly expect them to credit without such demonstration. This is the more remarkable inasmuch as, notwithstanding the

high-sounding pretensions of "scrupulous examinations," of "decisive discoveries," and the exclamation, "de tels faits ne se discutent pas, ils s'exposent," wrung from the unwilling lips of justice; inasmuch, we say, as, notwithstanding all this, the Accusation, in *no one sentence*, ever pretends to any more direct evidence of theft than actual possession in the hands of Libri, coupled with former possession, *at a date in no one instance proved*, by a Public Library.

The Mazarin Library is the one to which the Act of Accusation first draws our attention, and the list of thirty-nine incriminated pieces constitute two out of the nearly five octavo pages of which the whole list consists.

The *first* and *twenty-second* works on the list are:—1o. *Pétrarque, Gli Triomphi*, 1475, *Bologne*, in folio; and 22o. *Pamphyli, poetæ lepidissimi, Epigrammatum, libri quatuor*.

If we turn to p. 10 of the octavo edition of the Act, we shall find that the method of proceeding was to compare the catalogue of M. Libri's sale with that of the Mazarin Library, and to examine more particularly those books which were missing at the Mazarin, and which were found in M. Libri's catalogue; but in the two cases now before us the Act pretends to independent evidence. The witness, Maslon, whose occupation seems to have been that of dusting books, and who may therefore be presumed not to have graduated high in bibliography, recognises *his* Petrarch by its new red stamp, and the sheets of Pamphylus Saxus by a certain sign, or mark, done by himself. Now really there is something like evidence in this, and all that can be desired further, provided the witness be believed, is to prove that M. Libri not only possessed the work, but that he stole it;—although we shall certainly think that the Act wrongly attributes to him so much astute precaution, when we find him taking books wholesale from the Mazarin, and then giving them to an employé of the same library to dust; and there are some other things deposed to by credible witnesses, with which it would be difficult to reconcile the story of Maslon. But it will, perhaps, be better to save our own space, and the reader's time, by informing him that these books are still at the Mazarin Library. The *Pamphylus*, under the No. 953 of the new catalogue of books of the 15th century, and the *Pétrarque*, red stamp and all, under the No. 119. Let us at once add that M. Sylvestre, the author of this

discovery, found also three other of the incriminated volumes in their places.

The second work in the inculpatated list is thus (we have before remarked on the ignorance of bibliography displayed here) described;—"2o. A. Cynthio, Origine delle Volgari Proverbi, Venise, 1526, in folio." It would, we suspect, puzzle the Commissioners to ascertain when this book left the shelves of the Mazarin, (it is probably to avoid such difficulties that the question is never once raised throughout the Act,)* for it has been in the British Museum since the library of George III. was presented by his successor to the nation, and may now be seen there, with its Mazarin stamp on the first and last pages.

The sixteenth item in the inventory is:—"16o. Cœneas Silvius, Historia de duobus amantibus, in 4to (recueil)." M. Libri possessed and sold, in 1847, a copy of this work, if this indeed be the work described in his catalogue as "Cœneæ Silvii Historia de duobus Amantibus cum multis Epistolis amatoriis," of which M. Brunet notes in his manual five rare editions, without name or date. It was probably one or another of these editions which the Mazarin Library once possessed; and if M. Libri sold one or another of these editions, it was no doubt the very one which was missing at the library, and which it is equally clear that M. Libri had stolen and not bought. But in England, where we don't have so many Revolutions in eight centuries as the French knock off in one, we proceed a little more slowly. In some few cases, of which this we humbly opine to be one, it is better to enquire rather than to act or conclude. In the alphabetical catalogue of the Mazarin Library, under the word Silvius we find the indication of three copies of the "Historia de duobus Amantibus," two are noted as quartos, and form parts of the collection No. 11,104, and the third is a folio, and similarly included under No. 1911. And, accordingly, these works are all noted in the second catalogue, par ordre des matières," as contained in the collections so numbered. Now, the two quarto copies are still in their place, but the folio is missing, but has been replaced by one in 4to., duly stamped. The argument, then, will run

* The following may appear to be an exception. It is stated in the Act that in 1846 the *Galeomyomachia* was first missed and that "les coupures révélaient une soustraction récente!"

thus:—The Mazarin Library has lost A; M. Libri has sold B; therefore he has stolen A.

We have not space to devote to a curious chain of evidence relating to the disappearance of the folio, and the substitution of the quarto copy, duly stamped and numbered. But we can promise MM. Lalanne and Co., if they choose to undertake the work, a more productive return than they have got out of their comparison of the catalogues of the Mazarin and Libri collections.

The 17th item in the inventory is:—"170. Pétrarque, *Epistola de Historia Griseldis*, in 4to (Recueil)." Following the example of the Commissioners, and comparing this with the Libri catalogue, we find in this latter, "No. 679. *Epistola Domini Francisci Petrarchæ de Historia Griseldis mulieris maximæ constantiæ et patientiæ (sine loco et anno)*, in 4to de 12 ff. mar. v. tr. d. Edition rare, et imprimée à longues lignes, au nombre de 27, sur les pages entière. On croit qu'elle est sortie des presses d'Ulric Zel, vers 1470, (Manuel III., 709,) le dernier feuillet de cet opuscule est blanc; il manquait dans l'exemplaire qui a été examiné par M. Brunet, ce qui a porté ce savant bibliographe à annoncer que ce livre n'avait que 11 feuillets. C'est dans ce volume qu'a paru probablement l'histoire si touchante de Griseldi."

An examination of the old Mazarin catalogues, with the catalogue of books of the 15th century, by M. Thiebaut, would, in this case too, lead to curious revelations; but we cannot detain the readers with bibliographical curiosities; suffice it to say, that the Mazarin did, and does still, possess two copies, and two only, of this work, and that neither of them fit the detailed description which M. Libri's catalogue furnishes of his copy. Let us also add the singular circumstance that the book containing both copies of this little book was not to be found in 1851, when M. Jubinal visited the library; but that, upon his pressing instances, a search was made and the volume containing both copies was found put away in a sideboard, out of its place.

No. 15 in the incriminated list is the "*Galeomyomachia*." The Act devotes three closely printed octavo pages to this book. We have not space to quote the passage at length. The following is its substance. Before (how long before is not said,) 1846, the Mazarin possessed a copy of this treasure, the only perfect one in France

known to the Bibliographers. In 1846 a copy was announced for sale at Rouen, which led the librarian (M. de Sacy,) to examine the volume containing the Mazarin copy. It was gone:—"les coupures révélaient une soustraction récente." The copy sold at Rouen was not the one in question, it was imperfect, but still fetched 1,100 francs. In 1847 M. Libri's catalogue announced another copy for sale, and M. de Sacy wrote to M. Libri, begging a sight of it. M. Libri brought the book under his arm, saying, "Est ce un procès que vous comptez me faire? En ce cas je me refuse à toute explication;" he received a satisfactory answer, and gave up the book for examination. "Toutes nos recherches et l'examen le plus attentif ne peut rien nous faire découvrir de semblable," says M. de Sacy. This was acknowledged to M. Libri, who thereupon presented the book to the library, but demanded a public acknowledgment of the gift. "Il est vrai," says M. de Sacy, or rather the Act, as quoting his words,* "qu'à cette époque le bruit se répandit que ce n'était de sa part qu'une restitution. Cependant nous n'avions aucune preuve qu'il en fût ainsi." And in fact, continues the Act, the proof was not easy; for the other two works which formed the complement of the volume, had equally disappeared since 1846, and M. Libri's copy, now in the Mazarin, had been washed, the edges cut, and magnificently bound.

The Act then proceeds to infer M. Libri's guilt. Whence it asks the report of *restitutions*?† It quotes the witness Maslon, (the book-duster, who recognised his Petrarch, which had never left the library,) for the opportunities possessed by M. Libri, who had visited the library in 1840, and especially in 1845-6, (viz., just before the discovery of the loss.) It appears, according to the witness, that the table at which M. Libri worked was near the place of the book on the shelves, and that he had examined the collection after its disappearance without speak-

* After what we have already seen, this is not a distinction without a difference.

† We could give the Commissioners more insight into this point, if the present publication of details did not interfere with the means of making further discoveries.

ing of the loss which he must have discovered. The Act then complains that it does not know how otherwise M. Libri could have got his "*Galeomyomachia*" otherwise than by stealing it. It then perverts the evident intentions of M. Libri, where, in answer to the Report of M. Boucly, he quotes a circumstance connected with the previous loss of this same book. The point of M. Libri was, that the keepers of the library knew so little about books, as to bring M. Renouard a Hebrew *Æsop* for the *Galeomyomachia* he had enquired for. The intention which the Act attributes to him is that of proving that the book was missing in 1834, and of inferring that that was the date of its final loss. The Act then challenges M. Libri to produce the evidence which he and his friends had pretended to have at hand, to show that he had possessed the work previously to 1830.

Now, we will endeavour to content the Commissioners, or other writers of this part of the Act, by producing the following translation from an extract of a letter from Professor Piazzini, of the University of Pisa, now in the possession of Mr. Panizzi. The letter is dated 22 Nov., 1824, is on a half sheet of 4to. paper, with the direction and the Pisa postmark at the back.

"I hope that you have already received the Aldine *Galeomyomachia*, which I have at last returned to you ; for this also accept my sincere thanks."

M. Libri, then, in 1824 possessed a copy of this Aldine *Galeomyomachia*, whose continued possession in 1847 contented the too eager commissioners that he had stolen from the Mazarin the book which he so generously presented to that collection. And they would wish us to believe that no one mark or stain exists throughout the whole volume by which its identity could be established.

But, oh ! jam satis ; and why should we prolong discussion on details when, independently of the damning history of the prosecution, we have long since demolished its very foundations in proving that M. Libri might well, in thirty years, have become possessed of such a library as he possessed in 1847-8, and that independently of distinct evidence connecting M. Libri explicitly with *one* abstraction, the proof, never in the Act complete, of his possessing some of the proceeds of the continuous pillage

of the public establishments, has no more relation to theft than the purchases which went to make up the Harleian and Egerton collections, or the King's Library, which we have seen possesses at least one book from the Bibliothèque Mazarine.

In the evidence which we have brought forward, we have been more guided by considerations of space, by completeness and authenticity, than by the desire of producing the most startling examples of this wholesale pillage, in the face of which, and of whose notoriety, the *Acte d'Accusation* thinks it quite unnecessary, and in no one case even attempts, to offer any proof that M. Libri feloniously obtained the very few works which are not identified, but shown, at some generally indefinite past time, to have probably belonged to some public establishment.

M. Libri collects some 40,000 volumes of rare books, in singularly good condition; he obtains and throws open to all who have any pretensions to knowledge, or even curiosity, an unequalled private magazine of the richest MSS.; he has become the possessor of these treasures by the wholesale pillage of the public libraries, and yet he has no accomplice. So "rusé" is he, that his accusers, after twenty months' inquiries, cannot even guess how he did it. Here we are in 1853, and find that, in five years and a half, no accomplice has been detected, no means suggested by which this wholesale and organized fraud was effected. But more than this:—Five years and a half have elapsed, a violent polemic has been maintained, and every new fact that has come to light is in his favour.* These books have been found in their places in the library whence they had never been removed, that one is found stowed away in a bye-place in the establishment to which it belonged, and

* As an instance of the effect produced by evidence subsequent to the publication of the Report of M. Boucly, we give the following honourable recantation by M. le Baron de Ruffenberg, editor of the "*Bulletin du Bibliophile Belge*," of the opinions unfavourable to M. Libri, which he had previously expressed in that journal.

"Pour nous qui avions d'abord été entraînés par cette rumeur passionnée qu'on prend trop souvent pour l'opinion publique, nous devons une réparation éclatante à M. Libri. Dans tout état de cause, des qu'il mettait le bon droit de son côté, nous ne pouvions manquer de protester en sa faveur."—T. vi. p. 219.

another is found to have been at least fifty years in England. The commissioners have tongues as well as pens, and little by little their sayings leak out. Before more than one witness they express their malice against M. Libri; to another they boast that, at last, they have got a case against him.* All in vain; no one bibliographer of note but sees through the transparent flimsiness of their case; one pen after another undertakes his defence, and the unanimous judgment of Europe is in his favour, as indicated by the press everywhere but in France. And even there some indications exist of that change which is only a question of time—of the change which must come at last. While we are writing the emperor has already reconsidered the case of M. Mérimée; and he, who was about this time last year condemned to fine and imprisonment by the French judges, for bringing them into contempt, is now elevated to senatorial rank.

Those only who will support the labour of reading for themselves, can ever know how full is this case of illegality and injustice; the former we have not touched on, the latter we have very fully proved; and yet we will assert that the independent reader will find points in the printed monuments of this remarkable case, whose omission in our résumé will surprise him, and which he would himself have selected in preference to our own instances. If he should prosecute his enquiry further, and wade through the enormous mass of manuscript pieces which bear more or less on the question, if, for instance, he examine the correspondence relating to the pecuniary position of M. Libri and his family, and to the scientific and literary value of the collection formed by M. Libri in Italy, previously to 1830,† he will rather wonder at the sacrifices which we have made to necessarily circumscribed space, than accuse us in any point of having overstated the case, or exaggerated the quantity or quality of the evidence.

In the interests of justice, and in the defence of an illustrious name, we have been compelled, against our tastes and inclinations, incidentally to take up the ungracious task of the accuser. We have, however, endeavoured to

* Vide *Lettres à M. le Juge d'Instruction*. By M. P. Lacroix.

† These, be it remembered, are to be seen in the hands of M. Panizzi.

avoid epithets and insinuations, and to let facts speak for themselves. We dare not believe that we have entirely succeeded, or that we have in every line restrained our pen within the limits prescribed by our judgment. If there is any virtue in Saxon blood, it is that it boils at injustice and oppression, and we appeal to the sympathies of our English readers to excuse what their judgment might condemn. Finally, we appeal to Frenchmen, to the government now established, and to the chosen head of a great nation, to heal the sores of revolutionary passions, to forget that M. Libri is an Italian, and a friend of M. Guizot, and to DO JUSTICE.

ART. II.—1. *La France et la Russie à Constantinople. La Question des Lieux Saints.* Par M. POUJOLAT, l'un des deux Auteurs de la Correspondance d'Orient. Amyot. Paris, 1853.

2. *Constantinople et l'Empire Ottoman.* 2 vols. 8vo. Amyot. Paris, 1853.

3. *Négociations de la France dans le Levant.* Par M. CHARRIERE. Amyot, Paris, 1853.

THE precise origin of the Russian demands upon Turkey, and their relation to the claims of France upon the same power, have become so hopelessly involved by diplomatic pen-play, events accumulate so fast, and the electric telegraph plies so indefatigably, that one is absolutely at a loss what stage of the question to begin with, what to take up next, and where to end withal.

In truth, the scope of the publications which are more peculiarly our concern, is of a nature to lessen this embarrassment, by confining us to the first or French division of the controversy; but since the question, as between Turkey and Russia exclusively, has been on the point of involving Europe in a war, the consequences of which, not merely international but social, it is impossible to calculate, we shall easily be pardoned for enlarging our sphere of obser-

vation, and taking in the new state of things; to which, apart from the intrinsic gravity of its interest, we are entitled to advert, as having grown out of the advancement, or, as *we* should say, abandonment, of those French claims, with which the works above enumerated are principally concerned.

And, first, it is to be regretted that so dignified a branch of the public service as diplomacy should seem to enjoy an exemption from the common rules of morality, in regard to truth and falsehood. Its proceedings are usually so beset with terms of art, so full of trapping forms, so disguised by polite exaggerations and professional fictions, that it is very hazardous to take a diplomatic assertion in the more obvious meaning of the words. Thus, it will be remembered, that shortly before the question arose as between Russia and Turkey, the matter of the Holy Places out of which the other is acknowledged to have sprung, had been adjusted to the entire satisfaction of Russia, through the mediation of England, and after the withdrawal of M. de La Valette, whose negotiations were rather more in accordance with his own historic name than with what the policy of his sovereign was considered to require. It might be well also to bear in mind the comments of the English press, and the jubilation of that amiable order over the discomfiture of French diplomacy and Romish pretension at Constantinople. But though there was no sufficient reason for this triumph, if we could put faith in an authorized communication to the "*Moniteur*," yet the impression still reigned in Paris, as elsewhere, that France had yielded seriously and compromisingly to the imperiousness of Russia. The note, to be sure, affirmed that France had deserted no one position, and abated no tittle of her claims; and in a diplomatic sense we suppose she did not; but the public was not reassured, and continued to believe what was afterwards confirmed, as well by the admissions of M. Drouyn de Lys, as by the acknowledgments of M. de Nesselrode, that Russia had been gratified by ample, perhaps we should say abject, concessions. If, then, without reference to the relative value of seneds, firmans, and hattî-scherifs, or, on the other side, of protocols and pragmatic or synallagmatic sanctions, we take the now-admitted fact, that France was the yielding party in the first instance, along with the other fact, that Russia thereupon put forward her petulant pretensions, and attempted to enforce

them with singular disregard of law and treaty; it is hard to resist the conclusion that she was encouraged so to do, by the unhappy facility, we cannot bring ourselves to call it timidity, of French diplomacy. There is nothing more elementary in the philosophy of history, than that invasion or encroachment of any kind is not to be bought off by the sacrifice either of money or of honour; and accordingly the moderation of France, to call it by the mildest name, had no other effect than to increase the arrogance of Russia, and put her upon the assertion of claims which, if admitted in their full tenour, would annihilate the influence of France, and every other than that of Russia, in Constantinople.

Fortunately, however, Europe took alarm—and upon very excellent grounds. While the Sultan, for convenience of intercourse, or other sufficient reason, and, by some curious fiction of international law, is considered to be an European sovereign, a precedent may be drawn from any invasion of his rights, and applied wherever weakness exists to tempt cupidity. As it is, unless the simplest and best understood rules of international polity be firmly asserted and permanently established, any prince or state that pleases may violate the most express letter and apparent spirit of a treaty, invade and occupy his neighbour's provinces, levy contributions, withdraw subjects from their allegiance, and intercept the public revenue; protesting all the while that he commits no act of war;—much as an absconding debtor, on the way to Australia, might disclaim having committed any act of bankruptcy. The United States may occupy Cuba, and France invade the Rhenish provinces;—without intending a demonstration in the slightest degree hostile to Spain or Prussia, and simply as a guarantee for compliance with certain demands, the more outrageous and impossible the better.

It is not meant to be insinuated that France should have fallen to hectoring, and bared her sword the moment her pretensions met with opposition. War has at this moment a more emphatic significance for her, and for Europe, than perhaps it ever had; but recent events have shown that a strong and bold determination, more in accordance with the character of her ruler, and such as he has pretty often exhibited, but never with more effect than lately, must have told upon the emperor of Russia; and that a refusal to pamper the vanity of the Czar by the sacrifice

of undoubted rights, should have prevented his appetite from growing by what it fed on; while Europe had been spared the perturbation of so many interests, the tempest of so many passions, and the establishment, unless great care be taken, of such pernicious precedents.* Suppose however, that the question is settled for the present, and that Turkey, instead of binding herself to Russia, stands engaged to four powers besides, can the arrangement be considered final or free from danger to the peace of Europe, in any of the hundred contingencies that may arise from year to year? The question may be revived at any time, and find Europe unprepared. The life of the French Emperor has been threatened more than once, and imagination sickens at the prospect of the anarchy to which by his death at the present moment France would be consigned. Austria leans upon a prince of splendid promise, and a miracle, or little less, has saved him to her need; but she is ill at ease notwithstanding, and suffers in her many kingdoms from the revolutionary spasms that so lately racked them. Should France have to grapple with disorder at home; should Radetski be needed in Italy, or Windischgrätz in Hungary; then, if the Turkish question shall have received no more determinate settlement than at present,—then will be Russia's opportunity. Thenceforth she reigns over the East without resistance, and almost without a protest. And who can tell how soon all liberty, all nationality, and all civilization, may have to stand for their lives in the West, if such a catastrophe be once suffered to happen? It may be that in taking early measures to avert it, some informalities may occur, and some precedents, inconvenient in the abstract, may be created; but

* Even while writing, we have been made to learn that such care has not been taken, and the consequence is, that irregular violence may henceforward be looked upon as an accepted handmaid of diplomacy. This is the logical and inevitable effect of the neglect on the part of the great powers, to stipulate for the evacuation of the Danubian provinces in the first instance. The pretence of wishing to avoid an implied mistrust of the imperial word, is something quite too pleasant, when the imperial honour was insufficient to secure the observance of a solemn treaty. We do not share the apprehensions of those who dread a prolonged occupation of the Provinces; but since their evacuation has not been made the basis of all arrangement, the main object of Russia has been gained, and the precedent she wished for established.

the theoretical dangers that might arise from a final settlement, are as nothing beside the substantial dangers that belong to the question in its present form, or in any it seems likely to assume.

It was in this spirit that we read M. Poujoulat's work, "*La France et la Russie à Constantinople*," from which, though ably written and conceived in a Catholic and chivalrous spirit, we cannot say we have derived unmingled satisfaction. The book, however, is to be welcomed as an effort towards the recovery of that old and authentic tradition of French policy in the East, which we cannot help thinking lies far out of the track of M. Poujoulat's late enquiries. It was interrupted and lost much earlier than the author seems to imagine; and, bold as the assertion may be in presence of an authority so respectable as his, by far the greater portion of the policy, on which he dwells with such complacency, appears a paltry substitute, to say no worse, for the policy of Godefroi de Boulogne, Geoffroi de Villehardouin, Raymond de Toulouse, Baudouin de Flandres, Saint Louis, and so many others, with whose history M. Poujoulat is better acquainted than any man of the age.

To France, of all the Latin nations, belongs the protection of Christian interests in Palestine, not only by present dignity and greatness, but by prescriptive right, and, if not by common acclaim, at least by tacit consent. England has disavowed any interest in the matter, unless, perhaps, some interest of the kind that accrues upon principle. She is infinitely less concerned about the lake of Genezareth than about the great Salt lake, whither she despatches a band of Mormon proselytes once a month; and it is not to be supposed she would barter a *placer* in the gold-fields for the holiest place on earth, or an acre of Mount Alexander for the whole of Mount Olivet, or Calvary itself. But, if there be a nation with a safe and venerable tradition of Eastern policy, it is France. That tradition includes the best and most glorious days of the Crusaders; it embraces a Latin empire in Constantinople, and a Latin kingdom in Palestine; and it points to a policy, but for the abandonment of which the "*Assises de Jérusalem*" might now be the municipal law of the East. The letter of that policy, it is needless to say, cannot be followed now; the hopes and aspirations that sustained it are hardly of the present time and circumstances;—but it will not fail to be perceived, that, for France this question

has not two aspects, one purely Catholic, and one exclusively political; since, on M. Poujoulat's own showing, her religious and temporal interests in the East are on the same side, or, to speak more properly, identical. To Catholics, indeed, the policy, so far as it went, represented by M. de La Valette, does not require to be so justified. They have an interest in it sufficiently positive and practical, apart from all political considerations. It is easy of illustration; and we shall be forgiven if we borrow a rather striking one from Cicero. "Does it come to us," he enquires, "from nature, or from a species of illusion, that, seeing the places once frequented by great men, we are more sensibly affected by the presence of those places, than by hearing of the actions or reading the works of the men themselves?" And supposing himself, or rather Piso, in the dialogue, to be walking in the Academy, he continues: "*Velut ego nunc moveor; venit enim mihi Platonis in mentem, quem accepimus primum hic disputari solitum, cujus etiam illi hortuli propinqui, non memoriam solum mihi afferunt sed ipsum videntur in conspectu meo hic ponere. Hic Speusippus, hic Xenocrates, hic ejus auditor Polemo.* * * * * * *Tanta vis admonitionis inest in locis, ut non sine causâ ex his memoriæ ducta sit disciplina.*"* This, with a change of names, will give the exact reasons why all alike—Catholic, Greek, Armenian, and Nestorian Christians,—all, in fact, but Protestants alone, frequent and venerate the places, which, in the full glare of the age's enlightenment, they persist in considering holy. The theatre of a Saviour's suffering will affect them as the Academy affected Cicero, and touch them more sensibly, perhaps, than does the letter of the Gospel; just as Cicero paced the courts of the Academy with livelier emotion than he read the Phædo; and the Garden of Olives not only brings the agony and bloody sweat to mind, but sets them almost before our very fleshly eyes, even more vividly than the gardens of Plato brought the "divine" philosopher before the vision of his not less illustrious follower. Protestants will not understand this; they live in a practical and go-a-head age, and they are not only in it, but of it. Religion itself must be business-like for them; not occupying too much time, and, above all things, not too sentimental or demonstra-

* De Fin. Bon. et Mal. Lib. v. c. 2.

tive. For our part, we are nowise concerned in the disparagement of the age; and we are willing to allow it the merit of being practical, having once ascertained what precise meaning the word 'practical' carries with it in relation to the present times, their theories and institutions. Simple as the epithet may seem, we shall have, notwithstanding, to choose between two or more acceptations not precisely conflicting, but very dissimilar, before attempting to determine its applicability in any degree to our own day. Preserving, of course, in all its meanings a general reference to action, the term 'practical' will imply, in the first instance, the opposite of *speculative*, and involve the idea of rules observed and theory applied; secondly, it will stand in opposition to *visionary*, and will then belong to the pursuit of things solid and feasible; and, thirdly, it may only exclude the notion of *experiment*, and will attach to those operations alone whose object is determinate and final. When, therefore, a practical character is attributed exclusively or pre-eminently to the times we live in, it must have regard either to the quantity of action in development, or to its direction merely. If we pretend to gauge the quantity alone, we believe human activity will be found to abound equally in all ages; but if we rather consider the direction, then the question will arise whether the objects of pursuit in past times were visionary and experimental, as compared with those in pursuit of which the nineteenth century is wearing itself away. Many will affirm, and very many will dispute it; but, without ourselves taking any part in the controversy for the present, it will be sufficient to say, that in common use the qualification practical is restricted to the pursuit of things temporal and industrial, or, to use the favourite expression, *utilitarian*; a term again which, by an injurious and illogical limitation of its meaning, is made to imply that nothing is useful but what conduces to our material interests.

Still it is presumed, most of those who make any pretensions to the name of Christian, will be prepared to admit that the questions of the highest practical interest are precisely those which involve no temporal concern whatsoever; and on that admission we might ground an enquiry whether the most practical of all objects did not engage the thoughts of past generations, at the very least equally with those of our own, and lead to action, prompt, steady,

and direct, though, in the opinion of many, misapplied. There was in those times no setting of faith above works; no making economic theories supersede the evangelical counsels; there was infinitely less of experimental legislation, abortive reform, ephemeral constitutions, and monstrous errors, in the whole of the middle ages, than we have seen crowded into the last five years. We omit the consideration how far recent studies have changed the diagnosis of European civilization, and showed its most redeeming features to be only the development of monkish crotchets, and its most saving influences the remnant of papal usurpations. Nor shall we pause to argue the case with those who might be disposed to go a certain length with us, and say that the influences we speak of *had* done good service in their day, and led in some measure to the results we claim for them; but that having done so, they are become effete of any further useful result; it being to the full as silly to entrust your life to a disabled locomotive and a boiler newly burst, as to commit the conduct of the age and its concerns to worn-out agencies and exploded ideas.

Without pausing, therefore, to take up these questions, as we should be glad to do, time and place admitting, we say with profound regret, that if we were to judge by the mere letter of the late proceedings in the East, national honour and national traditions seem to be among the ideas which the practical spirit of the age rejects as visionary and unprofitable. This, with all deference to the note in the "*Moniteur*," has been brought into painful evidence throughout the French negotiations relative to the Holy Places;—negotiations, we are compelled to say, far beneath the port and dignity of one of the great nations engaged in them;—of that French people, which God has endowed with such excellent strength and marked for such surprising destinies. We know not whether the contagion of English example is working in the temper of the French mind, or whether the propitiatory embassy from our stock exchange was ostensibly to the Emperor but substantially to the Bourse. But it would be humiliating to see in so gallant a nation as France, the wild panic which seizes every interest at the bare apprehension of war, though in the assertion of the most honoured principle, as well as the most undoubted right, unless we had very sufficient means of accounting for these alarms without impeachment of French spirit and consistency.

Much, however, as we fear for the sensitiveness of national honour from the deadening influences of the hour, we are happy in the belief, confirmed as it is by the present attitude of France, that her moderation is ascribable to no less worthy apprehension than that of bringing into play, all over Europe, the revolutionary passions, the protégés of Guildhall and the Sunday newspapers. The responsibility of challenging, and even of accepting war, unless under the severest pressure, was never so anxious as at the present moment. By a providential dispensation, the obscene underworkings of conspiracy are always subject to sudden and immature outbreaks; and these manifestations now are sufficiently frequent and portentous to deter sovereigns who are wise from any but inevitable war. France has been tried most and latest, and consequently her reluctance to give revolution a chance, is well entitled to indulgence. The enemies of all rule and all society might improve the moment of war to terrible account; the dagger that splintered on the neck of Francis Joseph, or the machine that stood charged for Louis Napoleon, might be exchanged for more effective instruments under the sentence of a revolutionary tribunal; and a season of bloodier licence than shocked the world after the first revolution, might subside into the sternest despotism it has known for centuries.

It would be a pleasure to escape from the conclusion which seems irresistible, that the Emperor of Russia understood and relied upon the nervous apprehensions of Europe, before tempting her so far. In regard to France, he was encouraged to exaggerate her disinclination to war by the facility with which she put her really legitimate pretensions into abeyance to do him pleasure; on the presumption, sufficiently repelled one might have thought by her past experience, that it was possible to discriminate between religious and political interests in the East. However, by this time, the ideas of all parties must have been considerably modified, and the emperor Nicholas will have learned, with less pleasure than it may be supposed we feel in stating it, that the temper of France and of Europe was less yielding than he at all imagined. There *are* Frenchmen, after all, whose hearts do not beat time to the fluctuations of the four-and-a-half per cents; whose colour does not go and come with the panic and rally of the rentes; and who look forward to a more

distant future than the "fin comptant" or the "fin du mois." These men, especially where the spirit of nationality is vivified by that of religion, may deprecate war like ourselves, and make sacrifices to avert it; but they will not submit to dishonour; and when they visit, as sometimes they must, the Hall of the Crusaders, in Versailles, and gaze upon its storied ceiling, glorious with the emblazonry of immortal names,—all French, all heroic,—then surely if the men who bore those names have transmitted to their descendants the heritage of their spirit as well as of their glory, they at least can rise to the height of this grand argument; in their eyes, at least, no pretension of France in the East will seem mouldy or antiquated;—no ambition vaulting or excessive.

The question of the Holy Places is no novelty to M. Poujoulat. His old familiarity with the heroic ages of French history, united to a temper of mind Catholic and French, each in a high degree, qualified him for this investigation. Already in the "Correspondance d'Orient," he had to complain of the insult and extortion to which the Latin residents and pilgrims were subjected in Jerusalem, and was naturally put upon considering the cause and the remedy. The French name, he says with perfect truth, is, or at least has been hitherto, the one most feared and respected in the East. Now it is in Jerusalem even more than Constantinople, that the preponderance of an European nation makes itself felt; and as there the religious question absorbs every other, if France continue to be known at all, it must be as the foremost of the Latin nations.

After the final defeat of the Crusaders, and the abandonment of their projects, all Christian interests remained under the guardianship of France; and whatever of privilege or indulgence was reserved to Christianity in Jerusalem, by treaty or truce, was enjoyed beneath the protection, and in the name of France likewise. In 1535 was ratified the first regular treaty of amity and commerce between Francis I. and the Ottoman Porte—to the great scandal of Europe, adds M. Poujoulat; and when the circumstances of the times are considered, it seems to us with infinite reason. Sundry reciprocal interests were guaranteed, and the welfare of the Christian Churches, more particularly the Latin, was carefully provided for. A

century later, however, Greek disputed with Latin the custody of the Holy Places; and the Latins, dispossessed for awhile, were speedily reinstated at the urgent instance of France. Again, shortly after the death of Mourad IV., the Greeks, by a judicious application of piastres, obtained a firman assigning to them Chapels and Churches in Jerusalem and Bethlehem, to which they had no manner of right; but France was now governed by Louis XIV., and in 1670 M. de Nointel, in a special embassy, every feature of which recalls the mission of Prince Mentschikoff, fairly intimidated the Sultan into justice. Nor was this the only result of the negotiations in question. French influence remained paramount in Constantinople during the first half of the eighteenth century. The treaty of Belgrade, so favourable to Turkey, was the work of the Marquis de Villeneuve, ambassador of Louis XV., who unwaveringly pursued the policy of humbling the house of Austria by means of Turkey;—a policy which had been that of France for full two centuries, that is to say, from 1535 to 1740.

Meanwhile, the ominous power of Russia was forming, and that not gradually. From a state of utter barbarism and isolation, out of the humiliation of continual invasion and defeat, that monarchy, in the lifetime of one man, inaugurated a policy the most wily and successful on record; brought itself into contact with Europe by the conquest of a sea board, acquired the habit of victory, consolidated its power, and took its place amongst the great empires. In the course of another reign Russia had played the chief part in the extinction of a gallant kingdom, once its master and its scourge; and after a succession of victories and dismemberments, has now reduced the Ottoman power to a pale and nerveless shadow. Such is the empire whose preponderance in Europe lately so much augmented, all European governments are called on to consider; but in whose movements, as the seat of the Greek schism, the Catholic powers, and foremost of them all, France, are vitally interested. ✕

After having established the peculiar rights claimed by the Latins in the Holy Places, always upheld, and occasionally enforced by France, and having recommended in general terms adherence to the policy which asserted and protected those rights, M. Poujoulat, we regret to say, offers no specific counsel of any kind. He seems to regard the absorption of Turkey by the Russian empire as

inevitable, and the supremacy of the Greek Schism in the East secured in consequence for a season. Relying however, as a good Catholic ought, upon the ultimate triumph of the Faith, he prefers seeing the Cross, upon any terms, mistress in Constantinople; and, though foreboding oppression and trial for Catholics under the coming government, puts faith in the prophecy of M. de Maistre, that Europe and Asia will one day sing High Mass together under the dome of Saint Sophia.

We shall now offer a slight extract from his Essay. The passage is one of great truth and beauty. It tells how the dynasty of Francis of Assisium maintained itself where that of Baudouin and Godfrey failed; just as the line of Peter fills his throne to-day, the oldest in years, and the youngest in vigour, among the dynasties of the world.

“More than five centuries have elapsed since the disciples of St. Francis of Assisium took possession of the sanctuaries of Palestine; and, despite the persecutions of every kind inseparable from a life passed in the midst of Mussulman barbarity, they have stood by the post of honour. The French kingdom of Jerusalem, which it took prodigies of valour to found, could only live out eighty-eight years; and yet a few men, who go barefoot, with a linen cassock and white cord, without arms other than prayer, with no other buckler than the persevering energy of their faith, succeed each other, century after century, around Calvary and the Crib of Bethlehem;—a sort of religious dynasty, always subjected to the same rule, and maintaining itself by poverty and prayer. A history of the Franciscans in Palestine, from their establishment to the present day, which should give us a picture of their sufferings, their struggles, their brave patience, ought to possess a grave and moving interest; the detail would often include a martyrology. After having learned that the first guardians of the Holy tomb were Franciscans of our nation, we should next discover that the first Franciscan martyr was a Frenchman, brother Limin by name, and a native of Touraine.

“The incomparable grandeur of the French name in the East, after the close of the crusades, is well known;—that name, victorious in a hundred battles, had violently affected the Ottoman imagination. It was the representative in Asia of all that is most sublime and terrible in strength. Up to the close of the seventeenth century, how respectable soever any religion might be in the eyes of the Mussulman, the monastic habit was not sufficient to protect the fathers of the Holy Land. Every Franciscan was obliged to call himself French; and the religious traveller had no protection but under the flag of France. That of Venice, indeed, was of some avail likewise; for the Republic was still powerful in Greece and

Syria. The family of Friars Minor in Jerusalem, Bethlehem, St. John of the Desert, Nazareth, Ramla, St. Jean d'Acre, Sidon, Tripoli, Damascus, and other parts of Syria or Egypt itself, consisted of religious from every European nation; but those of France were always the most numerous. Just as the genius of France had been the soul of those gigantic enterprises for the deliverance of the Holy Land, and as our country furnished the largest contingent of crusaders, in like manner, inheritors of the same idea, our countrymen, watched in greatest numbers over the monuments of human redemption. In the room of the French Kingdom of Jerusalem, that royalty purely French, poor priests from the banks of the Rhone and the Loire maintained themselves in the regions already conquered by our sword; as it were, a pacific protestation against our misfortunes, an image of our gone-by sway, and a pledge of hope for the future."—pp. 11-13.

The following is a specimen of the style and title of the Sultan Osman, as recited at the head of a firman, reinstating the Latin Religious in sundry of their rights. One cannot fail to be reminded of Shakspeare's lines in the first part of Henry VI., in which Joan of Arc is made to say of the great John Talbot's titles:—

"Why, what a silly, stately style, indeed!
The Turk, that two-and-fifty kingdoms hath,
Writes not so tedious a style as this."

"The Emperor Osman, son of the Emperor Aemat, ever victorious.

"I, who am, by the infinite grace of the Omnipotent Creator, and by the abundance of the miracles of the prince of His prophets, emperor of victorious emperors, dispenser of crowns to the greatest sovereigns of the earth, conservator of the most sacred and august cities, beautiful amongst all the cities of the world, Medina and Mecca, protector of the holy Jerusalem, lord of the greatest part of Europe, Asia, and Africa, conquered by our victorious sword; that is to say, of the countries and kingdoms of Greece, Themisvar, Bosnia, Seget, Natolia, Caramania, Egypt, and all the countries of the Parthians, Kurds, and Georgians, of the Iron Gate, of the country of the Prince of the little Tartars, of Cyprus, of Diarbekir, of Aleppo, of Eserum, of Damascus, of Babylon, of Balzara, of the Arabias, of Abech, of Tunis, of Tripoli, of Barbary, and of so many other countries, islands, isthmuses, straits, peoples, families, and generations, and of so many myriads of millions of valiant soldiers, who repose under the obedience and justice of me, who am the Emperor Osman, son of the Emperor Aemat, of the Emperor Mahomet, of the Emperor Amurat, of the Emperor Selim, and of the Emperor Soliman, by the grace of God help of the greatest princes

of the world, and refuge of honourable emperors,' and so forth." —p. 27.

Further on M. de Poujoulat reads a salutary lesson of unanimity to the Catholic powers. It was the absence of this spirit that prevented them from following up their success at Lepanto, and that led to the fall of Cyprus, and the appalling massacres by which it was attended.* Even now, he thinks, if the Catholic Princes take counsel with each other, discharge their minds of petty jealousies, co-operate heartily and honestly in a combined movement, and stake their honour on the issue, this question must be satisfactorily settled.

"The prospect of a Russian Empire in the East, the establishment of which is a question of time, nearer or more remote, is so menacing for our religious faith, that it ought to unite in a common object upon certain points all the Catholic powers. We know how imperious are our different political interests; but when higher interests still are at stake, good offices become a duty. We were Catholic before we were Austrian or Sardinian. What services has not the house of Austria rendered to the religious cause! Providence has more than once rewarded it by brilliant successes; and what a recompense was not the recent and miraculous preservation of the young and brilliant Emperor who is its hope! Why should not the Cabinet of Vienna lend us substantial aid in this question of the Holy Places? We can understand its strict alliance with that of St. Petersburg in presence of the dangers accumulated by revolution. We even believe that Austria, notwithstanding a conflict of interest in certain matters, could come to an understanding with Russia in regard to the East, and would not say, as Joseph II. did, that *she prefers turbans to hats in Constantinople*; and we should invite her in such a conjuncture to contemplate the interests of Catholic civilization under her powerful ally in St. Petersburg.

"Sardinia is not a great empire; nevertheless she might effect something in this question worthy the religious solicitude of the house of Savoy. The title of King of Cyprus and Jerusalem, borne by the King of Sardinia, might lead to ambitious thoughts, of a sovereignty in Palestine, for instance, as lately of a kingdom in Italy. These would be unfortunate illusions; they would beget a small and dodging policy hostile to the French protectorate; and if we are well informed, the secret action of Sardinia from 1840 to 1848 was not less hurtful to our interests in the Holy Land, than the outrageous proceedings of the Greeks and Turks. We could wish the government of Turin a little less anxious about itself, and

* *Histoire de S. Pie V. Par le Vicomte de Falloux. Tom. ii. p. 249*

a little more concerned about the welfare of Christianity. At any rate, a returning relish for old recollections would be a happy symptom for Sardinia; it might arrest her downward progress along the steep descent of unknown ways that lead to the abyss." —pp. 118-120.

In the general spirit of these remarks we concur; but they are not quite sufficiently energetic for our ideas. We cannot acquiesce so calmly in the probability of a Russian empire in the East, or consent to base our plans upon the assumption of its future establishment. It is fraught with altogether too grave an interest to be so lightly dismissed. At present the French fleet rides second to that of England only. What if Russia become mistress of Constantinople, of Candia, of Rhodes, and so many other stations in the Mediterranean, and likewise of as bold and skilful a maritime population, under proper training, as any in Europe? This is a matter more nearly concerning the temporal interests of France than it does ours; and yet, for our part, we say that the establishment of a Russian empire, and the consequent supremacy of the Greek schism all over the East, is a contingency we cannot contemplate without dismay. It is one that we look upon as inevitable, only in so far as people are willing to believe it so, or as they hesitate and falter about taking measures for its prevention. France, for instance, we believe, may do so readily and effectually by recurring to the traditions of her best and greatest policy—not that indicated by M. Poujoulat, as followed from the time of Francis I. upwards.

That policy of Francis I., so unduly praised, as we conceive, by M. Poujoulat, was inherited and improved upon by Henry IV. A Calvinist by accident, and a Catholic by policy, his principles of government and foreign relations halt between two extremes in anything but what Pope would call "an honest mean." M. Guizot has sketched them, with great fidelity, in a recent number of the "*Révue Contemporaine*."

"Henry IV. was prince, politician, and soldier, not a fervent believer or a theologian. He had been a sincere protestant without much reflection, traditionally rather than by conviction,—the family religion had never become the faith of his soul. * * *

Abroad, Henry displayed as much intelligence as activity at home

in the advancement of the national interests. Though now a Catholic, he did not the less for that, court Protestant alliances, as with the United Provinces, England, the Swiss Cantons, the protestant Sovereigns of Germany and the North, the only states that were able and willing to assist France in freeing herself and freeing Europe from the preponderance of the House of Austria. * * *

* * * * Outside, Richelieu practised unhesitatingly and unremittingly the policy which had been prepared for him by Henry IV. For him, Bishop and Cardinal as he was, to serve and aggrandize France by the arm of foreign protestants, in opposition to the power that called itself, and that was called, Catholic par excellence, the enterprise was bold. It needed an uncommon liberty and firmness of mind. They were never wanting to Richelieu for a day; and they did their work for him and for France as well as, probably beyond what, he intended." *

That M. Guizot, a Protestant, though, to do him justice, a Protestant of exceeding liberality, should look with favour, and even admiration, on the Protestant alliances of Catholic France, is quite intelligible. He is not conscious perhaps of a Protestant bias in his views; and considers that he surveys the policy of the house of Bourbon in an aspect purely national. But to a Catholic that alliance looks perfectly monstrous, which abetted the Dutch insurrection; protracted the horrors of the thirty years' war; united in one course of action a Cardinal of the Roman Church and Gustavus Adolphus; and, but for an interposition almost miraculous, had nearly given over all Germany to the Mussulman. We miss in it the generosity that should temper the most deadly hostility. We can discover in it nothing that reminds one of the France of Chivalry, nothing even that recalls Pagan magnanimity. Sparta, as every one knows, refused, in the very flush and tumult of victory, to destroy Athens, being unwilling, as she said, to put out one of the eyes of Greece; but France, so far from interposing to prevent the utter ruin of Germany, gave her entire countenance to the Turk in his all but successful effort to quench the light of Christianity and civilization in the German Empire. No doubt she purchased, at this heavy price, some paltry immunities for the Latins in Jerusalem; and, Germany once overrun by the Infidel, France might have stipulated, and with some effect, for a contemptuous toleration of Christianity; but

* *La France et la Maison de Bourbon, avant 1789.*

will any one pretend to say that this is the true and undisputed tradition of French policy in the East? On the contrary, France broke with her glorious past when she first allied herself with the enemies of Christianity. Turkey is in every way a nursling of Protestantism; and the Crescent, hateful on its own account to the sons of the Crusaders, can surely have nothing in its nurture to make it more attractive. When Pius V. sent to solicit the aid of Charles IX. for the memorable Crusade that resulted in the battle of Lepanto, Charles, who had already been represented at Constantinople by a Huguenot ambassador, M. de Grand Campagnes, pleaded the treaties that bound him to that power; and the great Pontiff rebuked the odious allegation as became him.

“We have received the letter addressed to us by your Majesty. What your Majesty says touching the sorrow you have felt for the Christian commonwealth in general, as for that of Venice in particular, we readily believe. Assuredly among Christian kings it is the part of no one to be touched at misfortune befalling the whole Christian people, more than of him who has received traditionally, as from hand to hand, the title of Most Christian King, which his ancestors had earned by their exploits against the infidel. And nevertheless in this same letter, there is a certain matter we have not been able to read without astonishment and profound sorrow, and regarding which we have thought it our duty to be explicit with your Majesty, putting forward our complaint with the freedom belonging to our sacred character. In effect, your Majesty designates a man, who is at once the most inhuman tyrant and the sworn enemy of the Christian religion, ‘*Emperor of the Turks*,’ as if he who knows not the true God could ever be an emperor.

* * * * *

“Regarding this friendship contracted by the kings your illustrious ancestors, and which we learn from your Majesty you desire to maintain for the welfare of Christians in general, we think you are much deceived. You must not do ill, that good may result therefrom. Your Majesty cannot escape blame, if, with a view to advantage for yourself personally, or for any one else, you think you should maintain relations with the infidel. And why join in friendship with those who hate the Lord? Why put confidence in a man, and that man an infidel, instead of relying on the Providence of the Redeemer? God sometimes inflicts upon the children the chastisements due to the parents; how much more likely will he not be to fulfil His justice upon those who persist in imitating the ill-doings of their fathers?”—*Vie de S. Pie V., par le Vicomte de Falloux, vol. ii., 255*

The warning conveyed in this last sentence was spoken in the spirit of prophecy; and well was the old Christian policy of France avenged, when the head of the amphibious Republic, which Henry the Fourth had helped to found, pushed from his throne in England the great grandson of Henry the Fourth himself; and unless the French nation look well to it now, Turkey will have been preserved by France only to pamper the power of that colossal monarchy, which cannot increase much further without imminent peril to the peace, and, it may be, the liberty of Europe.

The alliance of France with Turkey was almost more impious than that of Holland with the Pagan, and against the Christian Japanese; it was essentially bad, and not to be redeemed by any privilege or favour to the Christian subjects of the Porte, when it only rested with France to have annihilated the Turkish power and Greek schism together. Luther of course thought differently. He held it a sin to oppose the Turks; and the "Emperor of the Turks," as he was called by Charles IX., had sufficient gratitude to acknowledge his services. There is a curious passage in Remond,* which we shall offer no apology for giving in the original, as the quaint French of the time loses, like the English of the same period, by modernization.

"L'an 1533, ayant entendu nouvelles de cet estrange remuement qui se faisoit en la Chrestienté, par les menées d'un seul moyne, les propositions qu'il avoit tenu à son avantage pour empescher les Chrestiens de s'armer contre luy, pensant que ce fut un nouveau prophète envoyé de Dieu à la prière de Mahomet, afin de luy faire planche pour envahir le reste de la Chrestienté, envoya quérir un Allemand citoyen de Haye, qui estait à la suite de sa cour (the Bishop of Ruremond, speaking of this latter, would seem to say he had been sent by Luther to the Porte) du quel il s'informa particulièrement quel homme estait ce Luther, dont on parloit tant, quel âge il avoit, quelle estait sa vie, et comme ce gentilhomme luy eut particulièrement rendu compte du schisme introduit en l'Eglise par Luther, et qu'il lui eût fait le recit de la grande division, que ce moyne avoit semée parmi les Chrestiens: Voila un grand homme dit Soliman, et qui poussera fort la Chrestienté à sa ruyne. Je crois qu'il est envoyé par Dieu pour ce faire. Je suis mary qu'il ne soit plus jeune; s'il a besoin de moi, il me trouvera bon et libéral seigneur."

* Florimond de Rémond. *Histoire de la Naissance, Progrès, et Décadence de l'Hérésie*, p. 328.

It is not necessary to say how Luther and his lieutenants justified this good opinion of the Sultan, who, but for the complications raised by them, could never have held his ground against the power of the empire, especially after the battle of Lepanto. But surely all this ought to make France reflect well before continuing that false tradition of policy which perpetuates the Turkish alliance, even though it associate therewith the protection of the Latin Catholics. That protection will be exerted a thousand times more effectually after the expulsion of the Turks, but by no means with the substitution of the Russians.

The great Leibnitz, Protestant as he was, (but people will say he was more than half a Catholic,) had a more correct instinct of a healthy policy for France than any one of her kings, from St. Louis to our own time. We give his views as quoted by M. Poujoulat:

"An essay of Leibnitz at this moment occurs to us. This document, so curious, and so worthy of the author, is written in Latin and not very generally known. Let us pause a moment to consider it. It will be matter of wonder how, at the period of its composition, foreigners themselves assigned to France the foremost place in the world, and what a superb horizon the conquest of Egypt, as proposed to Louis XIV., opened up to our country. This enterprise appeared to Leibnitz the greatest that could be attempted, and the easiest of all that are great. It might have been mysteriously prepared and suddenly executed by that king, whose conceptions were called the miracle of secrecy. Its success would exalt the monarch to the rank of supreme arbiter of Christendom. This marriage between Egypt and the king of France interested at once Christianity and the human race. The expedition of Saint Louis to the banks of the Nile was a grand idea, and failed only through the unskilfulness of its managers. Cardinal Ximenes had planned an expedition to Egypt under the threefold conduct of Ferdinand of Castile, Emmanuel of Portugal, and Henry VIII. of England. The death of Ferdinand disconcerted this project. *Universal Monarchy* is an absurdity. *Supremacy* is altogether a different thing. That is a legitimate object of ambition, and it belongs to France, says Leibnitz, to seize this supreme direction of affairs. The conquest of Egypt gives it her; one bold stroke is all that is required.

"Leibnitz brings into relief the resources of Egypt, which he calls the *Holland of the East*, the *eye of these countries*, the *Mother of corn*, the *Capital of Commerce*. She is, he says, the entrepôt between India and Europe. The illustrious thinker of Germany saw in the capture of Egypt, the immediate subversion of the Turkish empire. The larger share fell to France—(*Pars melior Franciæ redit*). She became the mistress of the Mediterranean (*Hæc maris*

Mediterranei domina), and was to restore the Empire of the East (*Imperium Orientale resuscitabit*). The extension of French dominion to the Ocean and the Red Sea, would result from the occupation of the banks of the Nile. The king should have taken the title of Emperor of the East, and to the title of Eldest Son of the Church, have added that of her *protector*. The commerce of the world should have been shared between France and Austria. Leibnitz next deals in a masterly way with the question of execution. Twenty thousand men, well led, seem to him sufficient, and the details into which he enters disclose a profound knowledge of the country. Nothing escapes him. He has detected all the weak points in the Ottoman empire. The Turks await their destruction from a land of two seas (a *regione bimari ruinam expectant*). That land may be Constantinople, but it may as well be Egypt.

"Thus it was that Leibnitz understood the question of the East; and such was the part he allotted to France in the vast inheritance of the Sultans. Russia had not then taken her place in the universe, and the philosopher of Germany, side by side with the greatness of France, saw the greatness of the House of Austria, and no other. It is curious to see Leibnitz put out of account protestant England, and think only of the advantages resulting to the universal Church under the preponderating influence of the *King of France, Emperor of the East*. It must also be said that Leibnitz was at heart a Catholic, and that he had no idea of Christianity without the papacy. If you read his essay addressed to Louis XIV., and Napoleon's notes upon the Egyptian expedition, it is evident that Bonaparte had closely studied and pondered the work of the Great Philosopher of Leipsic."—pp. 112-115.

That is a policy not to be attempted now. In the present condition, both social and political, of every one of the European kingdoms, we must deprecate every idea of a change, even less fundamental than this. But we may be permitted to indulge in speculations, even where we see but little hope of their becoming practical; and while we deprecate the notion of French ascendancy in the East, we feel that there is a policy still left which will hang on to the old tradition of St. Louis, and cannot but fructify to the advantage of Christianity and France. The Turks must, sooner or later, be made to strike their tents; the hypocrisy of diplomacy with regard to the integrity of the Ottoman Empire must eventually be discarded, for there is, in fact, no Ottoman Empire to be kept together. It is convenient for the present, we allow, to consider the Sultan an European sovereign, and to treat the Turkish encampment, with its suttlers, as an European nation.

Some hundred years ago, a few thousand Normans and Poitevins constituted the entire English nation; and, for centuries, a small colony of English Protestants confiscated the name and rights of the Irish, and, finally, sold the latter at a handsome figure. Even now the Magyars, a splendid and gallant people, we admit, and worthy to represent a nation, if a fraction could, are innocently taken by many for the whole Hungarian people. But if by a fiction of international law we treat the Ottoman sovereignty as an independent power, it must remain liable to the casualties of such. Once suppose a fair, or even a colourable pretext for war between itself and Russia, and there can be nothing to prevent its absorption by that despotism in a legitimate and diplomatically unobjectionable way. It is in the character of all pedantry to clog the operation and defeat the objects of the science it encumbers; and if the pedantry of diplomacy have a tendency, however slight, to precipitate the calamity it is the exclusive business of diplomacy to avert, there can be no standing on ceremony with it. The Turkish government will henceforward be subjected to unsleeping scrutiny; and circumstances will arise, or will be created, which will not fail to supply grounds for extinguishing its rule, on high reasons of state and humanity. This will assuredly be done, sooner or later;—either by Russia on her private account, or by Europe in the interest of all.

Unhappy Poland in some measure affords the precedent towards which Turkey seems to be hastening; and ominous indeed were the precedent if it furnished more than the naked and exceptional principle of foreign action upon an independent government. The principle so obtained is innocent comparatively to the evils it averts; and, once used to readjust the balance of power, its further application or development becomes, in virtue of that same adjustment, practically impossible; but if not applied once for all, and by Europe, its application by Russia, in contempt of all rule and restriction, will come home to our doors before we are well aware of it.

But if the precedent of Poland were disengaged from its more odious concomitants, it would take the shape, not of partition, but of reconstitution; it would aggrandize none but the right owners; instead of dividing, it would consolidate, and so far from extinguishing an European nationality, give birth to a new nation by regenerating an old

people. The "Times," we believe, is the only organ of opinion in these countries which has countenanced the establishment of a Byzantine sovereignty as the proper, and only hopeful termination of the difficulty. Such a state, guaranteed in its independance and conditions of existence by the great powers, would prove an effectual barrier to the ambition of one—we should say of *the* one;—and concurrently with such an arrangement, Jerusalem and its dependencies might be erected into a free territory, with access to the Holy Places for all Christians, and precedence in the celebration of their respective offices at recurring periods.

And who shall say that another council of Jerusalem under the presidency of Peter like the first, may not bring East and West into loving and perpetual communion? There seems to be nothing in the force of circumstances or the analogy of history condemning Russia to perpetual schism. Her separation from the Church is of a nature to attract the mercy rather than the judgment of God, because it did not originate in her own act. She was never begotten to grace like England, and can hardly be said to have forfeited an inheritance that was never hers. The offspring of schism, she clings to her parent with mistaken fondness, and though infected with the taint of her origin, is not so thoroughly contaminated with the original guilt of rebellion as the Eastern Churches in general, and the protestant communities of Europe. Her position more nearly resembles that of Arian Spain, and her conversion may be as universal and as permanent. Father Lacordaire gives expression to the same opinion, with a quiet and thoughtful confidence the contagion of which to some extent at least we are happy to say affects ourselves.

"Russia is a mighty nation. She stretches from the centre of Europe to that of Asia—from China to America, enclosing a territory whose immensity startles the imagination far less than its providential distribution delights the understanding. Russia belongs to the Greek religion by accident, and not in the slightest degree by her political necessities, or the character of her mind, which has nothing in common with the schismatical subtlety of the Greeks. It is even impossible for her to fulfil her destinies without a return, sooner or later, to unity. What is Russia in point of fact, but an assemblage of nations requiring to be fused together, and to be brought into stricter community of feeling, all

the more for being spread over an almost boundless territory. Whence shall come this community of feeling, if not from community of ideas rooted in the understanding? and whence again this community of ideas but from Religion? Religion herself however cannot otherwise confer it than by unity of doctrine and unity of priesthood: let her become protestant, and the result is in some measure worse than rationalism, for a divine sanction is thus given to dissension. The Greek schism is undoubtedly less dangerous than protestantism. Nevertheless, those who have read the Conte de Maistre, or consulted other sources of information, know how futile is the power of doctrinal authority in Russia, and how easily that vast empire may become the prey of sectarianism, or indifference according as European civilization pushes its advances through it. In a word, two things are necessary to all life whatever—an organized body, and an informing spirit. The body of Russia is that of a giant, her intellect is that of a mere stripling, who has acquired high breeding in foreign courts, speaks several languages with fluency, is polite, skilled in fence, an admirer of literature and the arts, but not a producer; of one in fine to whom nothing is wanting but depth and creative power, because, though plunged at his birth in the waters of the Neva, he has been refused that baptism from whence have issued the fertile nations of Christendom.

“This disproportion between the body and mind of Russia becomes more striking, the more you seek to measure her designs. What can she bring to the East to raise it up or draw it from beneath the ruins, a thing more difficult still? She may bring a clergy in the last degree of spiritual destitution by its separation from unity. To this wretched country which the divine malediction has never ceased to pursue for a single day since it rent the garment of Jesus Christ with miserable disputes, Russia will present the very fruit—its crime, from which to draw Salvation; schism to schism—death to death. Here is the cup that has drugged you with poison, let us sit to table and drink and live. I can understand the apparent advantage of community of error, when the error is young, its results undevelopped, and the first glow of its novelty still warm; but when the corpse lies stiff and stark before you, what can you give to it—what can it give to you? The want of Russia in her present stage of greatness is to become Catholic, and Catholic she will become as soon as her princes allow her. It is hard to imagine that what is in the nature of things shall not come to pass, and that Providence will always refuse to an empire, the foundations of which have been so wonderfully laid, the great man that Peter the first could not well be in the age that gave him birth—the man of intellectual, as Peter was the man of material Russia.”—*Lettre sur le Saint Siège*, pp. 52-55.

Whenever the moment may come, it would seem to us

that a large portion of the work must belong to France, and that she has a place to challenge in the regeneration of Russia, to which no other European nation can pretend. The times and the means which Providence may choose are within its own breast; but there are sometimes indications of election so apparent, that a grave responsibility weighs upon the man or the nation to whom they may attach. Many believe they can discover in existing circumstances, the marks of a ministry reserved to France, and that, not as matter of curious research or careful induction, but on the surface and palpable. The Russian, whom his fortune and the imperial licence qualify to travel, when brought into contact with French society, receives impressions from the frequentation of our churches, and the intimacy of our clergy as well as from other sources, which there is nothing in his own church or its clergy to counteract, and which nothing but the extreme pressure of penal laws can prevent from outward exhibition. Nor are instances wanting, one of which has fallen under the personal knowledge of the writer of this article, where the law and its penalties have been defied, while persons of less timorous conscience have consented to withhold their open adherence, from the faith that claimed their secret allegiance, till they had withdrawn their property from the power of the Emperor, and placed themselves beyond the reach of his resentment. It is not therefore without design that relations have been suffered to multiply between France and that same Russia to which she now stands opposed. Whatever of intellect or civilization exists in Russia, is united to France by community of language, the closest of all relations, blood or affinity excepted. That language, like most others, and more than many, has been the vehicle of immorality and doubt; but it is also in a pre-eminent degree a treasure-house of sacred letters, rich beyond them all. A standing reproach to the sterility of the Russian schism, it will force the contrast upon those who think, and set them to investigate the cause. A Russian Leibnitz may negotiate with another Bossuet the union of churches so nearly akin and so narrowly divided; and France, if she be true to her mission, may achieve the greatest, yet by far, of all the "*Gesta Dei per Francos.*"

ART. III.—*Discoveries in the Ruins of Nineveh and Babylon ; with Travels in Armenia, Kurdistan, and the Desert, being the result of a Second Expedition undertaken for the Trustees of the British Museum.* By AUSTIN H. LAYARD, Esq. M.P. With Maps, Plans, and Illustrations. London : John Murray, Albemarle Street, 1853.

MR. LAYARD, by his previous publications, had already associated his name with one of the most wonderful discoveries that has ever been made in the world's history. The great city of Nineveh has been dug out of the earth after an entombment of more than twenty-four centuries. The palaces of her kings have been cleared of the rubbish which concealed them long before Xenophon led the ten thousand Greeks by the hills in which they were buried, and the history of the Assyrian empire during the period of its greatest glory, has been found written on their walls, on the bricks and stones with which they were built, and on the gems and ornaments which have been found within them. The value and interest of this discovery is greatly enhanced by the fact, that many of the kings mentioned in these records are those whose names occur in Scripture, some of them being the very monarchs who warred against the Jews, and carried them into captivity. The vast ruins which, in the shape of hills and mounds, everywhere dot the plains of Assyria and Mesopotamia, have not been, as yet, by any means sufficiently explored, but enough has been done to make us acquainted with many of the customs and superstitions of the early inhabitants of the East, with their mode of agriculture, and their progress in the arts, to confirm the Scripture accounts of the grandeur of the Assyrians at home, and of their prowess abroad, and to clear up many allusions in the prophets, as well as in the historical books of the Old Testament, which were heretofore obscure or unintelligible. Something to this effect had already been accomplished by the previous publications of Mr. Layard and M. Botta, but the work we have placed at the head of this article is far more valuable than anything that has as yet appeared on the subject, not only because the new discoveries have thrown light upon the old, and have enabled the author to convey much additional information, and to

correct many errors into which he had been betrayed, but chiefly on account of the wonderful progress which has been made within the last three years in decyphering the cuneiform writing. Eleven years ago, the Arabs who dwelt upon the mounds in which Nineveh was buried, considered them natural hills. Even in 1849 the cuneiform inscriptions, which were then first published, were still an unsolved riddle, whose meaning had scarcely been guessed at. Since that time M. de Saulcy, Colonel Rawlinson,* and, above all, Dr. Hincks,† have made great progress in decyphering the ancient Assyrian and Babylonish characters, and with the additional data which future discoveries will surely supply, we may hope that in a few years they shall have accomplished this arduous undertaking.

Mr. Layard's present large volume is by no means exclusively occupied with his discoveries in Nineveh and Babylon. His wanderings in Armenia, Kurdistan, and the Desert, fill a goodly portion of it; and he is certainly a most interesting and observant traveller. This portion of the work is peculiarly important at the present time, as it gives us a vivid picture of the finest countries in the world, under the influence of Turkish rule.

On the 28th of August, 1849, Layard and his caravan left the Bosphorus by an English steamer bound for Trebizond, where they disembarked on the 31st, and on the first of September commenced their land journey through Eastern Armenia and Kurdistan. They proceeded to Ezeroon by the caravan route, which, though it forms part of the great line of intercourse and of commerce between Europe and central Asia, is not a road, but "a mere mountain track, deep in mud or dust, according to the season of the year." The bridges have been permitted to fall into ruins, and when the torrents are swollen by rain, the caravan is obliged to encamp upon the banks, and to wait patiently until they subside into fordable streams. Lord Palmerston has asserted that the Turkish empire has advanced rapidly during the reign of Sultan

* In his Papers published in the *Journal of the Royal Asiatic Society*.

† Papers in the same *Journal*, and in the *Transactions of the Royal Irish Academy*. Dr. Hincks is Rector of Killyleagh, County Down, Ireland.

Abd-ul-Mejid. But we cannot receive his lordship's statement in opposition to the testimony of an eye witness, who is perhaps even a more strenuous advocate of Mahomedan rule, but who has nevertheless been obliged to confess that the last traces of civilisation are every day disappearing under its blighting influence. This ruin of roads and bridges, which is reducing the finest countries in the world to pathless deserts, Mr. Layard declares to be one of the many evils resulting from the system of centralisation, (or accursed reform, as it is everywhere designated by the inhabitants, Mahomedans as well as Christians,) so vigorously commenced by Sultan Mahmoud, and so steadily carried out during the present reign. Formerly the roads were kept in tolerable repair by the semi-independent hereditary families, who ruled in the provinces as Pashas or Dereh-Beys. But the local governors now appointed by the Porte, receiving a fixed salary, and being rarely permitted to remain above a few months in one office, take no interest whatever in the prosperity of the districts placed under their care; and the small and totally inadequate funds assigned for public works, are squandered or purloined long before they can reach their proper objects.

Although there is now a weekly communication, by means of steam-vessels, between Constantinople and the principal ports of the Black Sea, yet, along its entire southern shore there is scarcely anything that deserves the name of a harbour. Trebizond itself has a mere roadstead. This want is peculiarly felt in the navigation of a sea so unstable and dangerous as the Euxine. The coast is singularly bold and beautiful. The mountains rise in lofty peaks, and are wooded with trees of enormous growth and admirable quality, furnishing an unlimited supply of timber for commerce or for war. In spring the choicest flowers perfume the air, and luxuriant creepers clothe the limbs of gigantic trees. In summer the richest pastures enamel the uplands, and the inhabitants of the coasts drive their flocks and herds to the higher regions of the hills. The forests nourished by the exhalations and rains, engendered by a large expanse of water form a belt, from thirty to forty miles in breadth, along the Black Sea. The distant horizon is bounded by lofty mountains capped with eternal snow. The villages in the valleys, which are inhabited by Turks, Lazes (Mussulmans), and Armenians,

reward the labours of the husbandman with teeming abundance. Yet, amid all this fertility and beauty the habitation of man is everywhere characterized by misery and desolation. The once beautiful city of Ezeroom is little better than a heap of ruins. The modern Turkish edifices, nicknamed palaces and barracks, are meeting the fate of neglected mud, and their crumbling walls scarcely shelter the inhabitants from the rigour of winter.

The route from this place to Mosul led Mr. Layard and his company through districts of Armenia and Kurdistan but little known to Europeans. The travellers crossed the lofty chain of mountains to which we have just alluded, by the pass of Ali Baba, from the summit of which they enjoyed a most extensive prospect. Before them lay the plain of Pasvin, once one of the most thickly inhabited and best cultivated districts in Armenia, but the Christian population of this place, as well as a large portion of the Pashalic of Ezeroom, has passed over into the neighbouring territories of Russia. To the south they beheld the Binghamiul, or Thousand Lakes, in which the Araxes, and several confluent of the Euphrates, have their source. From this pass they descended into undulating and barren downs. The villages thinly scattered over the low hills were deserted by their inhabitants, who in the autumn seek pasture for their flocks in the uplands. For several days they passed through deserted villages, which are still precisely such as they were when Xenophon traversed Armenia. "Their houses," he says, (*Anab. lib. iv., c. 5.*) "were under-ground, the mouth resembling that of a well, but spacious below; there was an entrance dug for the cattle, but the inhabitants descended by ladders. In these houses were goats, sheep, cows, and fowls, with their young." These holes cannot be seen from any distance, and are purposely built away from the road to escape the unwelcome visits of the travelling officers of the Turkish government, and marching troops. It is not uncommon for a traveller to receive the first intimation of his approach to a village by finding his horse's fore-feet down a chimney, and himself taking his place, unexpectedly, in the family circle through the roof. (p. 14.)

During the rest of the journey to Lake Wan the scenery is varied and delightful. On the third day after the travellers had crossed Ali-Baba they passed the Araxes, and the western spur of the Tiekta Mountains, from the crest

of which they beheld the Sipan Dagh, a magnificent conical peak, covered with eternal snow, and rising abruptly to a height of more than ten thousand feet from the plain to the north of lake Wan. Descending into the wide and fertile plain of Hinnis, they forded on the following day the Murad-Su, or Lower Euphrates, near the ruins of a bridge at Kara Kupri. The villages which are thickly scattered over this great plain, have the appearance of extreme wretchedness, and with their low houses, and heaps of dried dung piled upon the roofs, and in the open spaces around, look more like gigantic dunghills than human habitations. The inhabitants are Kurds and Armenian Christians, both hardy and industrious races, who are pretty equally divided in numbers, and live sociably together in the same filth and misery. (p. 17.)

From the plain of Hinnis the caravan proceeded to the great lake of Wan. The route lay through mountain ranges, marshes, formed by the overflowing of the Euphrates, and valleys, inhabited by Armenian Christians, and Nomad Kurds. The roads for the most part are mere channels, cut in the sandstone by mountain torrents, and it is only in summer that the marshes can be crossed. Yet the scene presented to the traveller is most enchanting.

"We left the plain of Hinnis, (says Mr. Layard, p. 17,) by a pass through the mountain range of Zerak. In the valleys we found clusters of black tents belonging to the Nomad Kurds, and the hill sides were covered with their flocks. The summit of a high peak, overhanging the road, is occupied by the ruins of a castle, formerly held by Kurdish chiefs, who levied black-mail on travellers, and carried their depredations into the plains. On reaching the top of the pass we had an uninterrupted view of the Subhan Dagh. From the village of Karagol, where we halted for the night, it rose abruptly before us. This magnificent peak, with the rugged mountains of Kurdistan around, the river Euphrates winding through the plain, the peasants driving the oxen over the corn, on the threshing-floor, and the groups of Kurdish horsemen, with their long spears and flowing garments, formed one of those scenes of Eastern travel which leave an indelible impression on the imagination, and bring back in after years indiscrible feelings of pleasure and repose. The threshing-floor which added so much to the beauty and interest of the picture at Karagol, had been seen in all the villages we had passed during our day's journey. The abundant harvest had been gathered, and the corn was now to be threshed and stored for the winter. The process adopted is simple, and

nearly such as it was in patriarchal times. The children either drive horses round and round over the heaps, or standing upon a sledge stuck full of sharp flints on the under part, are drawn by oxen over the scattered sheaves. Such were the threshing sledges armed with teeth mentioned by Isaiah. In no instance are the animals muzzled—'thou shalt not muzzle the ox when he treadeth out the corn'—but they linger to pick up a scanty mouthful as they are urged on by the boys and young girls, to whom the duties of the threshing-floor are chiefly assigned. The grain is winnowed by the men and women, who throw the corn and straw together into the air with a wooden shovel, leaving the wind to carry away the chaff, whilst the seed falls to the ground. The wheat is then raked into heaps, and left on the threshing-floor until the tithe gatherer has taken his portion."

These processes of threshing and winnowing are frequently alluded to in the Old Testament.†

Yet in these fertile plains which hold in their embrace deep clear lakes, and which are enriched by lofty mountains, from which issue fertilising streams and noble rivers, the inhabitants dwell "amidst the dirt and wretchedness of their eternal dungheaps." As Mr. Layard is at present so zealous a champion of the Sublime Porte, it may not be amiss to observe, that he praises the beauty of the children, and the industry of the inhabitants of this part of its dominions, and that he ascribes all their misery to misgovernment. Turkish rule is described as being characterized by poverty, impotence, and rapacity. Unable to make a road, or to protect its people, it is obliged to content itself with stripping them even of the little that is spared by the more merciful robbers of the desert. The Christians at least are obliged constantly to endure this double rapacity. At Gula Thailu Mr. Layard stopped for a few minutes, in an Armenian monastery belonging to the large village of Kof. The Kurds had plundered the convent of its books and finery, but the church remained pretty much as it had been fifteen centuries ago. It contained the body of a venerated saint, who lived about the time of St. Gregory, the illuminator, and was the resort of the afflicted and diseased.

"The Bishop, (he says, p. 19.) was at his breakfast, his fare frugal and episcopal enough, consisting of nothing more than boiled beans and sour milk. He insisted that I should partake of

† See Isaiah, xxviii. 27, 28.—xxx. 24.—xli. 15, 16.

his repast, and I did so, in a small room scarcely large enough to admit the round tray containing the dishes, into which I dipped my hand with him and his chaplain. I found him profoundly ignorant, like the rest of his class, grumbling about taxes and abusing the Turkish government."

In the course of his wanderings amongst the ruins of the ancient city of Khelatt, on the banks of Lake Wan, which once was the capital of the Armenian province of Peynouni, he again entered an Armenian church and convent. The latter was inhabited by a bishop and two priests.

"They dwelt in a small low room, dark, musty, damp, and scarcely lighted by a hole carefully blocked up with a sheet of oiled paper, to shut out the cold. Their bed a carpet worn to threads, spread on the rotten boards—their diet the coarsest sandy bread, and a little sour curds, with beans and mangy meat for a jubilee. A miserable old woman sat in a kind of vault under the staircase, preparing their food. Her days were passed in pushing to and fro with her skinny hands the goat's skin containing the milk to be shaken into butter. She was the housekeeper and hand-maiden of the episcopal establishment. The church was somewhat higher, though even darker than the dwelling-room, and was partly used to store a heap of mouldy corn, and some primitive agricultural implements. The whole was well and strongly built, and had the evident marks of antiquity. The bishop showed me a rude cross, carved on a rock outside the convent, which he declared had been cut by one of the disciples of the Saviour himself. It is at any rate considered a relic of very great sanctity, and is an object of pilgrimage for the surrounding Christian population."—pp. 30, 31.

Of course this church had also been robbed of "the older books and MSS., together with its little store of plate, its hangings and its finery. The last rummage had been made by Mahomet Bey," a Kurdish freebooter, who having been expelled from his stronghold—a castle on the lake—by the exasperated inhabitants of Akhlut, took refuge in the Armenian convent, and defended it for nearly a year against his assailants, living of course the while on the scanty stores of the priests, and carrying off when he had no longer need of the position the little property which he had pulled out of every nook and corner. The Christians were never allowed to possess the rich gardens and orchards near the lake, which are looked upon as the peculiar property of the orthodox Mussulman,

but latterly almost the whole Christian population has been driven from Akhlot. Only about twenty families remain, and they live in the rock tombs, as the ancient Christians dwelt in the catacombs of Rome in the days of persecution.

"The first view the traveller obtains of lake Wan, on descending towards it from the hills above Akhlot, is singularly beautiful. This great inland sea, of the deepest blue, is bounded to the east by ranges of serrated snow-capped mountains, peering one above the other, and springing here and there into the highest peaks of Ti-yari and Kurdistan; beneath them lies the sacred island of Akhtamar, just visible in the distance like a shadow on the water. At the further end rises the one sublime cone of the Subhan, and along the lower part of the western shores stretches the Nimroud Dagh, varied in shape, and rich in local traditions. At our feet, as we drew nigh to the lake, were the gardens of the ancient city of Akhlot, leaning minarets and pointed mausoleums, peeping above the trees. We rode through vast burying grounds, a perfect forest of upright stones, seven or eight feet high, of the richest red colour, most delicately and tastefully carved with arabesque ornaments and inscriptions in the massive character of the early mussulman age. In the midst of them rose here and there a conical *turbek* (tomb) of beautiful shape, covered with exquisite tracery. The monuments of the dead still stand, and have become the monuments of a city, itself long crumbled into dust. Amidst orchards and gardens are scattered here and there low houses, rudely built out of the remains of earlier habitations, and fragments of cornice and sculpture are piled up into walls around the cultivated plots.....On a high, isolated mass of sandstone stand the walls and towers of a castle, the remains of the ancient city of Kelath, celebrated in Armenian history, and one of the seats of Armenian power. I ascended to the crumbling ruins and examined the excavations (tombs) in the rocks. The latter are now used as habitations, and as stables for herds and flocks. The spacious entrances of some are filled up with stones for protection and comfort, a small opening being left for a door-way. Before them, on the ledges, overlooking the ravine, stood here and there groups of as noble a race as I have anywhere seen, tall brawny men, handsome women, and beautiful children. They were Kurds, dressed in the flowing and richly-coloured robes of their tribes. I talked with them and found them courteous, intelligent and communicative. Many of the tombs are approached by flights of steps, also cut in the rock. An entrance generally square, unless subsequently widened, and either perfectly plain, or decorated with a simple cornice, opens into a spacious chamber, which frequently leads into others on the same level, or by narrow flights of steps into upper rooms. There are no traces of the means by which these entrances were closed; they probably were

so by stones turning on rude hinges or rolling on rollers."—pp. 23-26.

These tombs, which are to be met with through a great part of the East, will remind the reader of that in which the Saviour was buried.

Here also, in a country so rich that it yielded abundant harvests almost spontaneously, amidst scenery more beautiful than ever the pencil of Claude represented, in a place renowned under Armenian, Greek, Arab, and Tartar rule, Mr. Layard had to listen to the usual complaints of poverty and overtaxation. The whole taxes did not indeed amount to £45; but how was this sum to be raised when the governor acknowledged that there was "not a para of ready-money in the place?" The village is surrounded by a forest of richly-carved tombs. In the Turkish dominions the grave-yard drives before it the cottage and the mansion, and the massive head-stones still stand erect after the dwelling-places of even the descendants of those who placed them there have passed away. Indeed the few inhabitants who still linger amongst the ruins of great cities, are glad to find a dwelling-place among the rock-tombs of the dead. Yet there can scarcely be found in the whole world a fairer scene, or one richer in natural beauties, than that which presents itself to the eye of the traveller as he proceeds along the lake from Akhlot to Bitlis. The artist and lover of nature may equally find objects of study and delight.

The route of the travellers to Bitlis skirted the foot of the Nimroud Dag, which stretches from Akhlot to the southern extremity of the lake. There are several villages, chiefly inhabited by Christians, on the water's edge, or in the ravines worn by streams descending from the hills. The spurs of the mountain are furrowed by numerous streams of lava and mud. In one of the deep gulleys opening from the mountain to the water's edge, are a number of isolated masses of sandstone, worn into fantastic shapes by the winter torrents which sweep down from the hills. The people of the country call them the "Camels of Nimrod." Tradition says that the rebellious patriarch endeavouring to build an inaccessible castle, strong enough to defy both God and man, the Almighty turned the workmen into stone. The rocks on the border of the lake are the petrified camels, who with their

burdens remain there—a perpetual memorial of the Divine vengeance ; and the unfinished walls of the castle are still to be seen on the top of the mountain. The numerous places still called by the name of Nimrod, and the various traditions regarding him still current in the East, and all of which perfectly accord with his history as recorded in sacred Scripture, cannot fail to strike every reader.

Leaving the southern extremity of Lake Wan, the travellers crossed the watershed of central Asia, and entered the valleys of Assyria. In a narrow valley, through a ravine, in the centre of which tumultuously flow the head waters of the Tigris, they discovered the long, straggling town of Bitlis. The history of this town is almost the same as that of every other in Asiatic Turkey. It is a city of ruins—of ruined mosques, ruined baths, ruined roads, ruined bridges, and ruined commerce. “The slaughter-houses, the resort of mangy dogs, are near the bazaars on the banks of the stream, and the effluvia arising from them is most offensive.” Its mountains abound in valuable minerals, which might easily be made objects of lucrative commerce ; and its wools, carpets, and stuffs, woven and dyed in the tents, were formerly highly prized. The sale of arms, once extensively carried on, has been prohibited ; and gall, the produce of the oak, is at present almost the only article of export from Kurdistan to the European markets. In this place Mr. Layard visited the Armenian Bishop, who dwells in a large convent in one of the ravines branching off from the main valley. “He was maudlin, old, and decrepit ; he cried over his own personal woes, and over those of his community, abused the Turks and the Armenian missionaries....He showed me his Church, an ancient building, well hung with miserable daubs of saints and miracles.”

From Bitlis to Jezireh the caravan took the circuitous and winding route through the valleys of the eastern branch of the Tigris. At a Kurdish village, Khokhi, at which the travellers halted, they found such a general confusion—quarrelling of men, and screaming of women, that they could scarcely get bread to eat. This was occasioned by the Bashi-bozuks, or irregular troops, who were collecting the revenue, the total amount of which was only thirteen shillings ! There are two truths so plainly visible on the very surface of Mr. Layard’s narrative, that they can escape no one. The first is, that the Turkish govern-

ment is not only bad, but that it approaches the perfection of evil as nearly as any permanent government can possibly do. The new system of centralization, which has deprived the country of its local chiefs, who, however tyrannical, took care at least to keep the roads and bridges in repair, has literally reduced it to a pathless desert. In the midst of teeming abundance the people drag out life in the most abject misery; there is no protection for life or property, and it is a matter of indifference to the unfortunate inhabitants whether their plunderers be the lawless marauders of the desert, or the armed satellites of the government. The second truth is this, that the Christians who live under the rule of the Porte, are not in effect protected. To place this fact beyond all doubt, we shall anticipate the order of time a little, and relate in this place Mr. Layard's personal experiences on the very scene of the "atrocious Nestorian massacres," perpetrated by the Kurds under Beder Khan Bey. The first Nestorians whom he met in the mountains of Kurdistan "were huddled up in a little rocky nook, high on the mountain, and in the midst of snow. They thus live for some months in the midst of the dung of animals and filth of all kinds, whilst vermin abounds as plentifully as in their wretched villages. As the nights are cold, and protection from the high winds is necessary in these lofty regions, a shallow pit is dug in the centre of the hut, in which the family crouches for warmth when not engaged in out-door occupations." So much for the condition of the Nestorians in the pashalic of Wan. But the Nestorian settlements were chiefly in the neighbouring pashalic of Hakkiari, and it was in its valleys that the massacres took place.

"'The Turkish government,' says Layard, (pp. 425-6) 'so far from fulfilling the pledges given to the British embassy, had sent officers to the mountains, who had grievously illtreated and oppressed the Christian inhabitants. The taxes which the Porte had promised to remit for three years, in consideration of the losses sustained by the unfortunate Nestorians during the massacres, had not been, it is true, levied for that time, but had now been collected altogether, whole districts being thus reduced to the greatest misery and want. Every manner of cruelty and torture had been used to compel the suffering Christians to yield up the little property they had concealed from the rapacity of the Turkish authorities. The pastures and arable lands around their villages had been taken away from

them, and given to their Kurdist tyrants. Taxes had been placed upon every object that could afford them food, and upon their mills, their looms, and their hives; even upon the bundles of dried grass for their cattle, brought with great labour from the highest mountains. There was no tribunal to which they could apply for redress. A deputation sent to the Pasha had been illtreated, and some of its members were still in prison. There was no one in authority to plead for them. They had even suffered less under the sway of their old oppressors; for, as a Priest touchingly remarked to me, 'The Kurds took away our lives, but the Turks take away wherewith we have to live.'

One more extract on this subject will suffice:—

"Crossing the precipitous pass to the west of Baz, which, since my first visit, had been the scene of one of the bloodiest episodes of the Nestorian massacre, we entered the long narrow ravine leading into the valley of Tkhoma. We stopped at Gunduktha, where four years before I had taken leave of the good priest Bodaka, who had been amongst the first victims of the fury of the Kurdish invaders. The Kasha who now ministered to the spiritual wants of the people, the thais of the village, and the principal inhabitants, came to us as we stopped in the churchyard. But they were no longer the gaily dressed and well-armed men who had welcomed me on my first journey. Their garments were tattered and worn, and their countenances haggard and wan. The Church, too, was in ruins; around were the charred remains of the burnt cottages, and the neglected orchards overgrown with weeds. A body of Turkish troops had lately visited the village, and had destroyed the little that had been restored since the Turkish invasion. The same taxes had been collected three times, and even four times over. The relations of those who had run away to escape from these exactions, had been compelled to pay for the fugitives. The chief had been thrown, with his arms tied behind his back, on a heap of burning straw, and compelled to disclose where a little money that had been saved by the villagers had been buried. The priest had been torn from the altar, and beaten before his congregation. Men showed me the marks of torture on their body, and of iron fetters round their limbs. For the sake of wringing a few piastres from this poverty-stricken people, all these deeds of violence had been committed by officers sent by the Porte to protect the Christian subjects of the Sultan, whom they pretended to have released from the misrule of the Kurdish chiefs. The smiling villages were now a heap of ruins. From four of them alone 770 persons had been slain. Beder Khan Bey (alone) had driven off, according to the returns made by the Meleks, 24,000 sheep, 300 mules, and 10,000 head of cattle; and the confederate chiefs had each taken a proportionate share of the property of the Christians, (so that the

whole amount must have been enormous.) No flocks were left by which they might raise money wherewith to pay the taxes now levied upon them; and even the beasts of burden, which could have carried to the markets of more wealthy districts the produce of their valley, had been taken away."

As if the Christians who live under Turkish rule had not enough to endure from Mussulman tyranny, a new and not less irksome or detested persecution has been raised against them, by Protestants calling themselves Biblicals and Evangelicals. Every one knows that the religion and public worship of the eastern Christians is almost identical with that of the Catholic Church. The Sacrifice of the Mass, the ornaments of their churches, crucifixes over the altars, and images of the Virgin and saints on the walls, the bowing, raising of crosses, and shaking of bells, which Mr. Layard thinks (p. 47,) must have well nigh exhausted priests and congregation; their seven sacraments, veneration of relics, and prayers for the dead, are so unmistakably papistical, that they must cause the reflecting Protestant strong misgivings as to the apostolicity of his church. Some of these eastern sects have been isolated from the rest of Christendom for fourteen centuries, and must have derived their faith from the Christian Church at a still earlier period. Hence we find that they are easily induced to enter the Catholic communion whilst they entertain a deadly antipathy to Protestantism. They had never before heard of a church without a priest, without an altar, without a sacrament, and without a sacrifice. "This," (Mansouriyat) says Layard, (p. 55,) "is one of the *very few* Nestorian Chaldæan villages of the plains which has *not* gone over to the Roman Catholic faith." He admits, (p. 45,) that "the most intelligent of the priests of the different communities who called upon him, was a good-humoured *tolerant* Roman Catholic Chaldæan." Let us now look upon the other side of the picture, and see in what light Protestantism is regarded by the ancient Christian Churches of the east. Mr. Layard boasts (pp. 404-5) that, although it is scarcely fifteen years since the first institution for Christian instruction on Protestant (independent) principles was opened by the American missionaries, their establishments are now scattered over nearly the whole of Turkey. The Armenians seem to consider fifteen years rather a modern date for the introduction of a new kind of Chris-

tianity, for our oracle proceeds to inform us that "A movement of this nature could scarcely escape persecution. The Armenian clergy not unfavourable to the darkness and bigotry which had for (15?) centuries disgraced their church, and exercising an uncontrolled power over an ignorant and stupid people, (who could not see the light of Protestantism,) soon raised a cry against the 'Evangelists,' as they were contemptuously called." The Armenian patriarch and his clergy resolutely opposed themselves to this new-fangled Christianity, and even invoked the aid of the Turkish authorities to stop the outrageous proceedings of the missionaries. As only four sects, the Catholic, the Armenian, the Greek, and the Copt, were recognized by the Porte, the appeal made by the old Christians against the new Evangelicals was at first successful. But through the united exertions of Lord Strafford and of Lord Cowley, when ambassador at Constantinople, a firman was obtained from the Sultan, placing the new Protestant community on the same footing as the Catholic and Greek Churches, and assigning to it an agent, through whom it can do business with the supreme government. The Armenian clergy have not, however, shown themselves to be either stupid or ignorant, for "schools in opposition to the American establishments have been opened in the capital, and in most of the large towns of Asia Minor; and elementary and theological works have been printed by Armenian printing-presses in Constantinople and Smyrna, or have been introduced into the country from Venice."

The influence of the United States, but especially of England, is warmly exerted to influence the Turkish government in favour of the Evangelicals, and against the unfortunate Nestorians; and no person in any degree acquainted with the facts can deny that the hope of protestantizing, or rather of unchristianizing, the eastern sects, (for the Evangelical missionaries deny *all* the sacraments, and have been denounced as infidels by members of the Church of England,) has a great share in the cry that has been raised about the integrity of the old, rotten, and antisocial despotism called the Turkish empire. Mr. Layard, who is one of the most bitter anti-catholic writers we have ever read, plainly told the Nestorian patriarch, Mar Shamoun, that unless he sanctioned and supported the *good work* which the Armenian missionaries were

desirous of carrying on, he had nothing to expect from England. The interview between this dignitary and Mr. Layard, which is described in the following extracts, took place after the perpetration of the massacres.

“Following a precipitous pathway, and mounted on a tall and sturdy mule, we spied an aged man with long robes, black turban, and a white beard, which fell almost to his girdle. A few trusty mountaineers, in the striped dress and conical felt cap, of the Christian tribes, walked by his side, and supported him on the animal, which with difficulty scrambled over the loose stones. We at once recognized the features of Mar Shamoun, the patriarch of the Nestorians, or, as he proudly terms himself, ‘of the Chaldeans of the East.’ He had not known of our coming, and he shed tears of joy as he embraced us. Since I had seen him misfortune and grief, more than age, had worn deep furrows in his brow, and had turned his hair and beard to silvery grey. We had last met at Mosul, the day previous to his escape from confinement into Persia. Since that time he had been wandering on the confines of the two border countries, but had now sought repose once more in the old seat of the patriarchs of the mountain tribes. We soon reached his dwelling. It is solidly built of hewn stone, and stands on the very edge of a precipice overhanging a ravine, through which winds a branch of the Zab. A dark vaulted passage led into a room scarcely better lighted by a small window closed by a greased sheet of coarse paper. The tattered remains of a felt carpet spread in a corner was the whole of its furniture. The garments of the Patriarch were hardly less worn and ragged. Kochhanes, (the village in which he resided,) was, moreover, still a heap of ruins. At the time of the massacre Mar Shamoun scarcely saved himself by a precipitous flight, before the ferocious Kurds of Beder Khan Bey entered the village, and slew those who still lingered in it, and were from age or infirmities unable to escape. Mar Shamoun at the time of my visit, had no less cause to bewail the misfortunes of his people than his own personal sufferings. The latter were perhaps to be attributed to his own want of prudence and foresight. Old influences, which I could not but deeply deplore, and to which I do not in Christian charity wish further to allude, had been at work, and I found him even *more bitter* in his speech *against* the American missionaries than against his Turkish or Kurdish oppressors. He had been taught, and it is to be regretted that his teachers were of the Church of England, that those who were endeavouring to *civilise* and *instruct* his flock were receding from the orthodox community of Christians, heretical in doctrine, rejecting *all* the sacraments and ordinances of the true faith, and intent upon reducing the Nestorians to their own hopeless condition of infidelity.....I found him bent on deeds of violence and intolerant persecution.....I could not disguise from him that in education,

and the free circulation of the Scriptures, there could alone be found any hope for his people. I showed him that if he wished to *foster* an interest which had been naturally felt amongst Protestants for the remains of a *primitive* Church exposed to great oppression and great sufferings, he must *reform the abuses which had unfortunately crept into it.*"

In other words, this primitive church, in order to foster the interest felt in it by Protestants, must abandon its *primitive* doctrines and practices, which Mr. Layard obligingly calls abuses, and substitutes for them the convenient code invented by Armenian Anabaptists. We are informed (p. 407) that "*the abuses which have crept into this primitive and highly interesting church are being reformed,*" by means of "*a printing-press, for which type has been purposely cut, and which now publishes for general circulation the Scriptures and works of education, in the dialect and character peculiar to the mountain tribes.*" We should be very anxious to see one of these versions compared with the original. The suppressed Protestant version, so ably exposed by Ward, shows what could be attempted in this way even in our own language. But the "*missionaries*" do not trust to their versions of Scripture to teach the Nestorians to "*reject all the sacraments and ordinances of the true faith, and to reduce them to infidelity,*" for they issue tracts which no doubt more directly propound their darling object. The Armenians regard with the utmost horror and, indeed, as "*missionaries*" of Beelzebub, those persons who wish to tear out, under the name of corruptions, the Christian practices which have been followed in their Church for fifteen centuries. To the testimony of the patriarch we shall add that of the Bishop of Jelu, whose spiritual jurisdiction extends over Baz, the scene of one of the frightful massacres which we have already detailed. It was here, also, that the priest had been torn from the altar by the Turkish soldiers, and beaten before his congregation. This bishop is "*a young man of lofty stature and handsome countenance. He dwells at Martha d'Umra, whose church, which alone escaped the ravages of the Kurds, is said to be the oldest in the Nestorian mountains.*"

"We (the bishop and Mr. Layard) seated ourselves together beneath the shade of a gigantic tree; and whilst the good people of the village were preparing a simple repast of jaghourt and garas,

we discussed the affairs of the church, and the political condition of the tribe. It was difficult to determine whom the poor bishop feared most, the Turks or the American missionaries. I urged him not to reject the offer which had been made to *instruct* his people, but to identify himself with a *progress* on which might be founded the only reasonable hope for the *regeneration of his creed* and race. Unfortunately, as in the case of Mar Shamoun, strange influences had been at work to prejudice the mind of the bishop."—p. 434.

In other words, members of the Church of England had put him upon his guard against the American apostles of infidelity. Lord Stratford and Mr. Layard exerted themselves to obtain protection for the Yezidi, or worshippers of the Devil,* without even once asking them to abandon the worship of his sable majesty; but their tender consciences will not allow them to assist the oppressed Christians, unless they will consent to sweep away as corruptions those doctrines and practices which have with such strange unanimity pervaded the East and the West, from the earliest times—which have been borne with the name, and spread with the faith of our Lord Jesus Christ, from the centre to the uttermost extremities of the Christian world.

This mention of the Yezidi happily leads us back to the travellers whom we left at Khoki, witnessing the attempt to collect a revenue of thirteen shillings, by a detachment of Turkish troops, for, as the sun was setting on that same day they descended into the plain country of the district of Kherzon, and halted at the Yezidi village of Haruki. The cawal, or priest of the Yezidi, accompanied Mr. Layard from Constantinople, carrying with him a firman in favour of his people. As the large party of horsemen approached they were taken for irregular troops, and spread terror and confusion through the village. But when the people recognised their priest, whom the Mussulmans had reported to have been put to death by order of the Sultan, their joy was excessive. Yuzuf (for such was this cawal's name) was soon seated in the midst of the elders.

"He told his whole history with such details and illustrations, as an Eastern alone can introduce to bring every part vividly upon his listeners. As the cawal sat on the ground, with his noble

* This sect is so called by Mr. Layard in his former work, *Nineveh and its Remains*.—vol. i., p. 270.

features, and flowing robes, surrounded by the elders of the village, eager listeners to every word which dropped from their priest, and looking towards him with looks of profound veneration, the picture brought vividly to my mind many scenes described in the sacred volumes. Let the painter who would throw off the conventionalities of the age, who would feel as well as portray the incidents of Holy Writ, wander in the East and mix, not as the ordinary traveller, but as a student of men, and of nature with its people. He will daily meet with customs which he will otherwise be at a loss to understand, and be brought face to face with those who have retained with little change the language, manners, and dress of a patriarchal age."—p. 41.

The progress of Yusuf and Layard through the country of the Yezidi resembled a triumphal march. The people every where assembled to greet them, dressed in their gayest garments, and having their turbans adorned with flowers and green leaves. Sheep were slain at their horses' feet, the men kissed their hands, the ladies helped them to alight from their horses, the families of the various chiefs assembled in the door to welcome them as they entered to eat bread, and Mr. Layard was even allowed to go into a dark room, where he saw the faithful kissing the red cloth which covered a copper peacock. In this way they proceeded to Kedmar, which contains about 800 rudely-built huts, and stands on a large stream that joins the Diarbekir branch of the Tigris, and thence to Tilleh, where they crossed the eastern branch of the last named river, at the very spot where it was forded by Xenophon and the Ten Thousand Greeks. The author of the *Anabasis* (Lib. iv. c. 3.) calls the river the Centritis. The Greeks having fought their way over the lofty mountains of the Carduchians, found their further progress towards Armenia arrested by a deep and rapid stream, their passage over which was opposed by a formidable array of Armenians, Megdonians, and Chaldæans, drawn up on an eminence, three or four hundred feet from the river. During the night Xenophon dreamt that he was in chains, which suddenly burst asunder of their own accord. This dream was fulfilled, for two youths happening to discover a more practicable ford, the army was led safely across it after a skilful stratagem on the part of the commander. Mr. Layard found the river deep, and exceedingly rapid, the water reaching to the saddle girths. The villagers raised the luggage and supported the horses against the current,

which running over loose and slippery stones, affording an uncertain footing, threatened to sweep the animals down the stream. The sun had set and the travellers were obliged to pursue by the light of the moon the difficult track along the Tigris, "where the river forces its way to the low country, through a long, narrow, deep gorge. Huge rocks rose perpendicularly on either side, broken into many fantastic shapes, and throwing their dark shadows over the water. In some places they scarcely left room for the river to pursue its course, and then a footpath scarcely wide enough to admit the loaded mules, was carried along a mere ledge, overhanging the gurgling stream. The gradual deepening of this outlet during countless centuries is strikingly shown by the ledges which jut out like a succession of cornices from the sides of the cliffs. The last ledge left by the retiring waters formed our pathway." In winter the river is swollen by the snows of Armenia and Kurdistan into a most impetuous torrent, which is often thirty feet above its summer level. Emerging on the following day from this bold, majestic, and beautiful ravine, they ascended the breast of a mountain, from which, according to Cawal Yusuf, they were to behold all the world.

"And certainly (says Mr. Layard, p. 51) there was about as much of the world before us as could reasonably be taken in at one ken. We stood on the brink of the great platform of central Asia. Beneath us were the vast plains of Mesopotamia lost in the hazy distance, the undulating land between them and the Taurus, confounded, from so great a height, with the plains themselves: the hills of the Sinjar, and of the Zakko, like ridges, on an embossed map; the Tigris and the Khabour, winding through the low country to their place of junction at Derehoun, to the right facing the setting sun, and catching its last rays the high cone of Mardin; behind a confused mass of peaks, some snow-capped, all rugged and broken, of the lofty mountains of Bohtan and Malataizah; between them and the northern range of Taurus, the deep ravine of the river and the valley of Kedmar."

Passing by Yezireh, and through the fertile plain of Zakko, which was dotted with large Catholic Chaldæan villages, amongst which were scattered the black tents and huts of the Yezidi Koehers, or Nomades, who had begun to descend from the mountain pastures, Mr. Layard and his party forded the Khohour, where it is divided into several branches, not far from its junction

with the Tigris. The country was in a disturbed state, on account of the incursions of the Arabs of the Desert, and they all but witnessed a battle between these renowned robbers and the inhabitants of a Yezidi village, which they wished to plunder. The travellers, accompanied by a strong escort of Yezidi horsemen, hastily traversed the burning plains of Assyria, which they entered by Semil. Less than two days brought them beyond the usual circle of Arab depredations. At Tel Eskoff, in the house of whose Christian Kiayah, Toma by name, Mr. Layard had rested on the first day of his journey, from Mosul, two years ago, the escort departed. He was now in fact amongst old friends once more. As he proceeded to Tel Kef in the evening, he was met by a crowd of men and women, who greeted him with joy, kissing his knees and showing other tokens of welcome. They were Jebours, who had formerly been employed in the excavations, and who having heard that he was again going to dig after old stones, had struck their tents to join him at Mosul or Nimroud. Next morning, as he rode the last three hours of his journey, he was met by fresh groups of familiar faces—his old groom holding his horse, his former servants, and even the very greyhounds that had been brought up under his roof. Then, as he ascends an eminence, walls, towers, minarets, and domes rise boldly from the margin of the broad river, cheating him into the illusive belief that Mosul is a meet representation of the great Nineveh. As he draws near the long line of lofty mounds, the only remains of mighty bulwarks, and spacious gates, detach themselves from the low undulating hills; now the vast mound of Kouyunjik overtops the surrounding heaps; then above it peers the white cone of the tomb of the prophet Jonah. Hastening over the creaking bridge of boats, and through crowded bazaars, he alights at the house he left two years before. Old servants take their places as a matter of course, and uninvited pursue their regular occupations as if they had never been interrupted. "Indeed it seemed as if we had returned from a summer ride; two years had passed away like a dream."

Mr. Layard having engaged most of his old hands, renewed his excavations in the great mound of Kouyunjik. As a matter of ceremony, at least, it was necessary to wait upon the governor of Mosul, Kaimil Pasha. He was the sixth or seventh pasha who had been appointed

within two years, "For it is one of the banes of Turkish administration, that as soon as an officer becomes acquainted with the country he is sent to govern, and obtains any influence over its inhabitants, he is recalled, to make room for a new ruler." He had scarcely finished his round of complimentary visits, when his travelling companion, Cawal Yusuf, came to invite him to be present for the second time at the annual festival of the Devil Worshipers, at Sheikt Adi. He found that the Yezidi had not assembled in as great numbers this year as when he had last met them in the valley. The people could not come, because in some places the country was infested by the Bedouins of the Desert, in others by the Turkish conscription, whilst the people of Baasheihah and Baazani had been so vexed by a recent visit from the pasha, that they had no heart for the festivities. On the morning after his excellency's arrival he complained that the asses, by their braying during the night, had allowed him no rest, and the asses, (with the exception of the governor himself), were peremptorily banished. The cocks awoke his excellency too early on the second morning, and the irregular troops who formed his body guard, were ordered to slaughter the whole race. On the third night his sleep was disturbed by the crying of children, who, with their mothers, were at once locked up, during the remainder of his sojourn, in the cellars. On the fourth morning he was awoke at day-break by the chirping of sparrows, and every gun in the village was ordered to be brought out to wage a war of extermination against them. On the fifth morning he was annoyed by the flies, and the enraged pasha insisted on their destruction. The governor threw himself at his excellency's feet, exclaiming, "Your highness has seen that all the animals, praise be to God, obey our lord the sultan, the infidel flies are alone rebellious to his authority." The inhabitants have ever since borne the biting of the flies with greater patience, for they are grateful to them for having chased away the pasha, who left the village on the following day. If we read this story in the Arabian Nights we should set it down as a fable.

It appears quite certain that Kouyunjik, Nimroud, Khorsabad, and many smaller mounds within the same circuit, were all parts of the great city of Nineveh. The larger were the fortified palaces of great kings and conquerors, and many of the smaller were probably fortresses

for the defence of the walls of the city. Nor should we be astonished at the great extent of these mounds, for within the fortified enclosure which surrounded the palace, dwelt the household and guards of an eastern king. On the four sides of the walls which protected Kouyunjik are the remains of towers and curtains. The walls appear to have consisted of a basement of stone, and an upper structure of sun-dried bricks, the top of the stone masonry being ornamented with grandines. There were probably numerous gateways, the sites of which are still shown by mounds exceeding those around them in height and size. Only two of these have as yet been explored by Mr. Layard. As the mound in which they were discovered rises nearly fifty feet above the plain, he was obliged to tunnel along the walls of the building within it, through a compact mass of rubbish, consisting almost entirely of loose bricks. Clearing a passage from the south side of the mound, through two halls or chambers, the walls of which were faced with rows of limestone slabs, he at length reached the opposite gateway, facing the open country.

"It was formed by a pair of majestic human-headed bulls, fourteen feet in length, and still entire, though cracked and injured by fire. They were similar to those previously discovered at Kouyunjik and Khorsabad, wearing the lofty head-dress, richly ornamented with rosettes, and edged with a fringe of feathers peculiar to that period. Wide-spreading wings rose above their backs, and their breasts and bodies were profusely adorned with curled hair. Behind them were colossal winged figures of the same height, bearing the pine cone and basket. Their faces were in full, and the relief was high and bold. More knowledge of art was shown in the outline of the limbs, and in the delineation of the muscles, than in any sculpture I have seen of this period. The naked leg and foot were designed with a truthfulness worthy of a Greek artist. It is, however, remarkable that the four figures were unfinished. They stood as if the sculptors had been interrupted by some public calamity, and had left their work incomplete. Perhaps the murder of Sennacherib by his sons, as he worshipped in the house of Nis-roch his god, put a sudden stop to the work."*

This is a very probable conjecture, as the palace was certainly built by this celebrated king, for his name still remains stamped upon the bricks which once formed its walls. Mr. Layard did not remove these sculptures, as

* P. 120.

bulls and winged figures nearly resembling them had already been placed in the British Museum, and in the Louvre. We carefully inspected both these celebrated collections during the autumn of last year, and were sorry to observe, that though our own was the more valuable, the sculptured figures, and especially the winged bulls, had been arranged in the Louvre with far greater taste and elegance.

“ The entrance formed by these colossal bulls was fourteen feet and a quarter wide. It was paved with large slabs of limestone, still bearing the marks of chariot wheels. The sculptures were buried in a mass of brick and earth, mingled with charcoal and charred wood, showing that the palace had been burned, and the gates consumed by fire. They were now lighted from above by a deep shaft sunk from the top of the mound. It would be difficult to describe the effect produced or the reflections suggested by these solemn and majestic figures, dimly visible amidst the gloom, when, often winding through the dark underground passages, you suddenly came into their presence. Between them Sennacherib and his hosts had gone forth in all their might and glory to the conquests of foreign lands, and had returned rich with spoil and captives, amongst whom may have been the handmaidens and wealth of Israel. Through them, too, the Assyrian monarch had entered his capital in shame, after his last and fatal defeat. Then the lofty walls, now but long lines of low wave-like mounds, had stretched far to the right and to the left,—a basement of stone supporting a curtain of solid brick masonry, crowned with battlements, and studded with frowning towers. This entrance may have been arched like the castle-gates in the bas-reliefs, and the mass of brick around the sculpture may be the remains of the vault. A high tower evidently rose above this gate, which formed the great northern access to this quarter of Nineveh. Behind the colossal figures, and between the outer and inner face of the gateway, were two chambers, nearly seventy feet in length, and twenty-three in breadth. Of that part of the entrance which was within the walls, only the fragments of winged figures discovered during my previous researches, now remained. It is probable, however, that a second pair of human-headed bulls once stood there. They may have been ‘ the figures of animals ’ described by Mr. Rich as having been casually uncovered in this mound, and which were broken up nearly fifty years ago, to furnish materials for the repair of a bridge. The whole entrance thus consisted of two distinct chambers and three gateways, two formed by human-headed bulls, and a third between them simply panelled with low limestone slabs like the chambers. Its original height, including the tower, must

have been full one hundred feet. Most of the baked bricks found amongst the rubbish bore the name of Sennacherib.*

The gateway which we have just described had formed the northern entrance of the palace. On the south-east a still more magnificent portal was soon afterwards discovered. The workmen having been ordered to clear away the rubbish from a human-headed bull, the forepart of which had been uncovered by Mr. Layard during his former visit, in 1848, it was found that adjoining it were other sculptures, and that it formed part of an exterior façade. Part of the next slab had been destroyed, but enough remained to show that it had contained a figure of the Assyrian Hercules strangling the lion, similar to the one in the Louvre, discovered between the bulls in the popylæa of Khorsabad. The claws of the animal grasped the huge limbs of the giant, who lashed it with the serpent-headed scourge.

"The legs, feet, and drapery of the god were in the boldest relief, and designed with great truth and vigour. Beyond this figure, in the same line, was a second bull. The façade then opened into a wide portal guarded by a pair of winged bulls, twenty feet long, and probably, when entire, more than twenty feet high. Forming the angle between them and the outer bulls, were gigantic winged figures in low relief, and flanking them were two smaller figures, one above the other. Beyond this entrance was a group similar to, and corresponding with, that on the opposite side, also leading to a smaller entrance into the palace, and to a wall of sculptured slabs. Thus a façade of the south-east side of the palace, forming apparently the grand entrance into the palace, had been discovered. Ten colossal bulls, with six human figures of gigantic proportions, were here grouped together, and the length of the whole, without including the sculptured walls contained beyond the smaller entrances, was one hundred and eighty feet. Although the bas-reliefs to the right of the northern gateway had apparently been purposely destroyed with a sharp instrument, (probably by the Medes and Babylonians, when they took Nineveh, in order to destroy the records of her glory,) enough remained to indicate their subject. They represented the conquest of a district, probably part of Babylonia, watered by a broad river, and wooded with palms, spearmen on foot in combat with Assyrian horsemen, castles besieged, long lines of prisoners, and beasts of burden carrying away the spoil. Amongst various animals brought as tribute to the conquerors, could be distinguished a lion led by a chain."†

* Pp. 121-3.

† Pp. 136-8.

Although these bulls had suffered considerable injury, yet the lower parts of all, and consequently the inscriptions, have been more or less preserved, and to this fact we owe the recovery of some of the most precious records of the ancient world.

"On the great bulls forming the centre portal of the grand entrance, was one continuous inscription, injured in parts, but still so far preserved as to be legible almost throughout. On the four bulls of the façade were two inscriptions, one inscription being carried over each pair, and the two being of precisely the same import. These two distinct records contain the annals of six years of the reign of Sennacherib, besides numerous particulars connected with the religion of the Assyrians, their gods, their temples, and the erection of their palaces, all of the highest interest and importance."

It would be impossible for us to give even an outline of these historical records. They will be found in Mr. Layard's work, p. 139, and following. Several additional records are found on the slabs and bas-reliefs. To show the importance of these discoveries in connection with Scripture history, it may be sufficient to mention, that the annals of the first year of the reign of Sennacherib contain the relation of his victory over Merodach Baladan, king of Babylon, to whose ambassadors the Jewish king, Ezekias, showed all his treasures, for which act of pride Isaiah foretold (xxxix.) that all this wealth, together with the descendants of its owner, should be carried away as spoil to this very city. In the annals of a subsequent year of his reign, Sennacherib speaks as follows: "Ezekias, king of Judah, who had not submitted to my authority, forty-six of his principal cities and fortresses, and villages depending upon them, of which I took no account, I captured and carried away their spoil. I shut up himself within Jerusalem, his capital city. The fortified towns, and the rest of his towns, which I spoiled, and gave to the kings of Ascalon, Ekron, and Gaza." He then adds that he took from Ezekias the treasure he had collected in Jerusalem, thirty talents of gold, and eight hundred talents of silver. This account perfectly agrees with the expedition of the king of Assyria, as related in Scripture, (4 Kings, xviii., 13, 14,) with the exception of the amount of silver. It is there related, that in the fourteenth year of the reign of Ezekias Sennacherib, King of the Assyrians, came up against all the fenced cities and took them, and that he ap-

pointed unto the king of Judah thirty talents of gold and three hundred talents of silver. The amount of gold is precisely the same in both accounts, but there is a discrepancy of five hundred talents in the silver. This apparent contradiction is easily explained by referring to the Assyrian annals, for the king says, "And because Ezekias still continued to refuse to pay me homage I attacked and carried off the whole population which dwelled about Jerusalem, with thirty talents of gold, and eight hundred talents of silver, the accumulated wealth of the nobles of Ezekias' court, and of his daughters, with the officers of his palace, men slaves, and women slaves." The account in the Bible contains the actual amount of tribute imposed, which was thirty talents of gold, and three hundred talents of silver. Both accounts imply that this sum was actually paid by Ezekias, and, indeed, the Scriptures inform us that he took the silver from the house of the Lord, as well as from his own treasury, and that he cut off the gold from the doors and pillars of the temple to satisfy the demands of the Assyrian king. Nor do the Assyrian annals accuse him of neglecting to pay the tribute, but of refusing to pay homage to Sennacherib, for which the latter stripped his nobles of whatever wealth remained, and the women of their ornaments. The entire of this plunder was estimated at five hundred talents of silver.

Mr. Layard did not confine his researches to Kouyunjik, but made extensive excavations in the mounds of Nimroud and Khorsabad. In these he also found winged figures and bas-reliefs, containing many important historical records. The earliest king of whom we have any detailed account, was the builder of the north-west palace at Nimroud, the most ancient edifice hitherto discovered in Assyria. His records furnish the names of five, if not of seven, of his predecessors; and his son, who was a great conqueror, built the centre palace at Nimroud, and inscribed upon the obelisk, now in the British Museum, the principal events of his reign, the kings who paid him tribute, and in some instances sculptured representations of the objects sent by them. Amongst those kings was Jehu, the son of Omri, who has been identified by Dr. Hinks and Colonel Rawlinson with Jehu, king of Israel. Jehu was not the son, but one of the successors of Omri; but the biblical scholar need not be informed that the term

"son" in Scripture, and throughout the East, denotes connection generally, either by descent, or by succession. Our Lord is frequently called "the son of David," signifying his descent from that great king. But the identity of the Jehu of Scripture and of the Assyrian inscriptions is placed beyond doubt, by two singular discoveries, the first of which was made by Colonel Rawlinson, and the second by Dr. Hinks. In various inscriptions it was found that the name of Samaria and Beth Omri were applied to the same place. Now, we know that the Omri of Scripture (3 Kings, xvi., 24.) bought the hill of Samaria of Somer for two talents of silver, and built on the hill a city, which he called Samaria, after the name of the owner of the hill. It is extremely probable that, according to a common Eastern custom, it was also called, after the name of the founder, Beth Omri, or the house of Omri; and consequently that the Somri, or Omri of Scripture, is the same as the Omri of the inscriptions. Of course, if this be the case, the two Jehu's are identical. This identification is placed beyond all doubt by the discovery made by Dr. Hinks, who has found on the same monument the name of Hazael, whom Elijah was ordered by God (3 Kings, xix., 15.) to anoint king of Syria at the same time that he was commanded (Ibid. ver. 16.) to anoint Jehu king over Israel. The discovery is most important, as it enables us to fix the date of the obelisk king; for, as Jehu ascended the throne about 885, B. C., the accession of the Assyrian monarch, who made war upon him, must be placed somewhere between that time and the commencement of the ninth century, B. C.; and that of his father, who built the north-west palace at Nimroud, in the latter part of the tenth. In the records of this king is mentioned one of his predecessors, from whom, according to the Bavarian rock-inscriptions, were taken certain idols of Assyria, 418 years before the reign of Sennacherib; and, as the latter ascended the throne in 703, B. C., we have, consequently, 1121, B. C., for the date of the reign of this monarch. Indeed Mr. Layard thinks that he has discovered the name of an Assyrian king, who reigned as early as the middle of the twelfth century, B. C.

A fine representation of the Nimroud king who built the north-west palace has been brought to this country by Mr. Layard. He discovered it whilst exploring a small tem-

ple in the north-west corner of the mound of Nimroud. The principal portal of this temple was formed by two colossal human-headed lions, having between them an inscribed pavement slab of alabaster, and in front of each a square stone, apparently the pedestal of an altar. They were flanked by three winged figures, which were divided by an ornamental cornice; and the walls on both sides were adorned with enamelled bricks. About thirty feet to the north of the lion gateway was another entrance, at each side of which was a monster whose hideous head had long pointed ears, and extended jaws, armed with huge teeth. Behind this image was a winged man, over whose shoulders a long sword was suspended, and in each hand he grasped an object resembling the thunderbolt of the Greek Jupiter, which he was in the attitude of hurling against the monster who turned furiously towards him. The group appears to represent the driving out of the bad spirit by a good deity, and perhaps to symbolize the prominent element in the Chaldean and Magian religious systems, in which a principle of evil and darkness was represented as coexisting with the principle of good and of light—their contest for supremacy—the temporary success of the former, and its ultimate defeat. On the slabs at right angles with these sculptures forming the outer part of the entrance, were two colossal human figures bearing branches ending in three flowers, and within the temple were sculptured fish-gods. The fish's head formed part of the three-horned cap usually worn by the winged figures; the tail only reached to the waist of the man, who wore a tunic and long furred robe. Numerous representations of the fish-god are found in colossal bas-reliefs, and on antique cylinders and gems in all parts of Assyria and Babylonia. He was the Dagon of the Philistines; for when the ark of the Lord was brought into the great temple of the idol at Ashdod, "the head of Dagon, and both the palms of his hands, were cut off on the threshold; only the stump literally (*fishy*-part) of Dagon remained in its place. (1 Kings, v., 4.) It was under the ruins of one of his temples that Samson buried the people of Gaza, "who had gathered themselves together to offer great sacrifices to Dagon, their god, and to make merry." (Judges xv.) Twelve winged figures in a circle, of whom Asshur was the chief, were the supreme deities of the Assyrians, and they worshipped a triune-god in common with other Eastern

nations. This was a mere corporeal monster, although, like so many other objects of Pagan worship, it may have had its origin in some dim tradition of the great and sublime mystery of the Trinity. Mr. Layard has in his possession a perfect image of the fish-god on a fine Assyrian cylinder of agate.

To the right of the entrance was discovered the representation of the Assyrian king which we have already mentioned. It is carved in high-relief on a solid block of limestone, cut into the shape of an arched frame. Around the monarch's neck are hung the four sacred signs, the crescent, the star, the trident, and the cross. The entire slab, 8 feet 8 inches high, by 4 feet 6 inches broad, and 1 foot 3 inches thick, is covered behind and before, except where the sculpture intervenes, with an inscription in small and admirably formed arrow-headed characters. In front of it was a stone altar, supported on lions' feet, and resembling the tripod of the Greeks. From this altar, standing before the figure, it would appear that the Assyrians deified some of their kings, and paid them divine honours after death. Unfortunately this monument was split into two pieces by the fire which consumed the building, and it received such further injury in its transport to England, that the lower part is now almost destroyed. The inscription which, when entire, must have contained several hundred lines, is divided on the back of the slab into two columns. It contains a full account of the wars of king Assarahbal or Sardanapalus.

In another part of the temple a recess was discovered 21 feet by 16 feet 7 inches, which was paved with one enormous alabaster slab of the same length and breadth, and 1 foot 1 inch thick. The whole of its surface, as well as the side leading into the chamber from which the recess was entered, was occupied by one inscription 325 lines in length, divided into two parallel horizontal columns, and carved with the greatest sharpness and care. On raising the detached pieces of the slab, (for it had been unfortunately broken,) it was found that the back, which rested on a solid mass of sun-dried bricks, was also covered with cuneiform writing, arranged in three columns. The inscriptions above and beneath are precisely the same, with this exception, that the under one contains the records of two or three more years than the upper, which stops abruptly in the midst of a sentence. The inscrip-

tion on this great monolith appears to have contained the same historical details as that on the king in the frame. Extracts will be found in Mr. Layard's work, (p. 353, 356,) which have been translated by Dr. Hinks.

One of the most important discoveries made by Mr. Layard in the palace of Kouyunjik, was that of two small chambers opening into each other, which appear undoubtedly to have been the Archive Chambers of Nineveh. To the height of a foot, or more, from the floor, they were entirely filled with tablets and cylinders of baked clay. The largest tablets were flat, and measured about 9 inches by $6\frac{1}{2}$ inches; the smaller were slightly convex, some of them being not more than an inch long. These records relate to matters of great interest; some contain the wars of the empire, others seem to be royal decrees, and are stamped with the name of a king, the son of Essarhaddon, who, after the murder of his father, Sennacherib, (4 Kings, xix., 37), succeeded to the throne of Assyria. But the most important of all is one on which Dr. Hinks has detected a table of the value of certain cuneiform letters expressed by different alphabetical signs, according to the various modes of using them. It is in fact a kind of grammar of the Assyrian language. On another he has discovered what seems to be a calendar. Many cases had been filled with these tablets before Mr. Layard left Assyria, and a vast number of them had been found since that time. A large collection is already deposited in the British Museum. Many specimens of the cylinders have already been brought to this country. On a large hexagonal one in the British Museum, are the chronicles of Essarhaddon, and another contains eight years of the annals of Sennacherib. The cuneiform characters on both the tablets and cylinders, are singularly sharp, and well defined, but so minute in some instances as to be almost illegible without a magnifying glass. They appear to have been formed by a very delicate instrument before the clay was hardened by fire. The vast amount of writing contained in the inscriptions, and on the tablets and cylinders, supplies ample materials for the complete decipherment of the cuneiform character, for restoring the language and history of Assyria, and for inquiring into the customs, sciences, and even the literature of its people. The documents that have thus been discovered at Nine-

veh probably exceed all that have yet been afforded by the monuments of Egypt. (p. 347.)

Although no inscription has yet been decyphered in which any Assyrian king is mentioned who reigned earlier than the twelfth century. B. C., yet it would appear that a kingdom, whose name is Assyria, having Nineveh for its capital, existed on the banks of the Tigris, at least as early as the fifteenth century before Christ, as it is named in an Egyptian monument, (Statistical tablet of Karnak) as sending tribute to Thothmes III. Existing records, when fully decyphered may lead us back to this, or even to an earlier period. The care with which the events of each king's reign were written is very remarkable. The records were in the form of regular annals, and on the great monoliths at Nimroud, the royal progress during a campaign appears to have been described almost day by day. The importance of these monuments as illustrations of Sacred Scripture, may be inferred from this one fact, that the names of nearly sixty kings, countries, and cities mentioned in the Old Testament have already been discovered in them.*

Nor is it in the writing alone that we are to seek the history of Nineveh, for it is also to be found in the bas-reliefs which remain upon the walls of her palaces, after the lapse of more than twenty-five centuries. In these we find portrayed with the greatest minuteness, the dress, arms, and accoutrements of the various nations and tribes which composed the Assyrian army—the nature of the country through which it marched—its characteristic features—its mountains and rivers—its groves of palm or clustering grapes, whilst the fortified cities, the costume and appointments of the countries invaded by the Ninevites, are so truthfully displayed, that it is often easy to recognise them, even without the aid of the inscriptions which frequently accompany and illustrate the bas-reliefs. In the palace of Kouyunjik, Mr. Layard uncovered the four sides of a great hall, one hundred and twenty feet in length, by fifty in breadth. In the centre of each side was a grand entrance, guarded by colossal human-headed bulls. This hall appears, therefore, to have formed a centre round which the chambers were grouped in the part of the palace in

* See this list in Hebrew and Cuneiform characters in Layard, p. 626-629.

which it stood. Indeed, Mr. Layard explored several of these chambers, whose walls were adorned with bas-reliefs. The entrances formed by the bulls seemed to have led to corridors, for, after passing through them, small doors were discovered to the right and left, leading into apartments, the dimensions of one of which were found to be twenty-six feet by twenty-three feet. One of the doorways of the great hall which was guarded by six colossal figures, three on each side, led into a narrow passage, the walls of which were adorned with bas-reliefs, relating the wars of the Assyrians. It opened into a chamber twenty-four feet by nineteen feet, from which branched two other passages. One of these was entered by a wide doorway, in which stood two spherical stones about three feet high, having the appearance of the bases of columns, and which led to a splendid gallery, two hundred and eighteen feet long and twenty-five wide.

The walls of the great hall had been completely covered with the most elaborate and highly finished sculptures. Those on the southern and western sides represented the conquest of a mountainous country, but those on the northern displayed the different processes adopted by the Assyrians in moving and placing various objects used in their buildings, and especially the human-headed bulls, from the first transport of the huge stone in the rough form from the quarry, to the raising of these gigantic structures in the portals of the palaces. It is fortunate that the bas-reliefs of the long gallery contain the same subject, for what has been injured in the sculptures of one place is generally found entire in those of the other. The subject is treated with great spirit, and the slabs were arranged in regular order. The bas-reliefs commence with a representation of a huge block of stone, somewhat elongated in form, laid in a low flat-bottomed boat, on which it is floating down a river. Two cables are passed through holes, cut in the stone itself, and a third is tied to a strong pin, projecting from the head of the boat; each cable is held by a body of about one hundred men, who pull by means of small ropes fastened to it, and passed round their shoulders. Some walk in the water, others on dry land. The boat is also pushed on by men wading through the stream. They are evidently captives, some of them being represented naked, but the greater number wearing a short tunic, and they are urged on by taskmasters, with swords

and staves. An overseer, who regulates the whole proceedings, is seated astride on the fore-part of the stone. His hands are stretched out in the act of giving command. The next bas-reliefs represent the stone on the bank of the river, carved into the colossal human-headed bull. Its removal to the palace is very vividly portrayed. It rests horizontally on a sledge, similar in form to the boat, having the upper part horizontal, and the under part slightly curved throughout. The sledge is dragged by four cables, two fastened in front, and two behind, and impelled by levers. The sculpture moves on rollers, which, as soon as they are left behind by the advancing sledge, are brought again to the front by parties of men, who are also watched by overseers, armed with stones. Levers were also used, and kneeling workmen are represented inserting an additional wedge to raise the fulcrum. The levers were worked by ropes, and men were seated astride on them to add by their weight to the force applied. On the bull itself are four persons. The first is kneeling, and appears to be beating time to regulate the motions of the workmen. The next holds to his mouth an instrument, which resembles a speaking trumpet; and it really seems probable that the Assyrians were acquainted with this mode of conveying sound, which is usually considered a modern invention. The sledge is followed by men with coils of ropes, and various implements, and drawing carts laden with cables and beams. Even the landscape is not neglected. The country is indicated by trees, and by a river, in which men are swimming on inflated skins; and boats and rafts exactly resembling those still in use in Assyria float upon the stream. The procession is accompanied by workmen with saws, hatchets, pickaxes, shovels, ropes, and props. The king himself superintends the removal, standing in a richly decorated chariot, the pole of which curved upwards at the end, and ornamented with the head of a horse, is raised by eunuchs. The chariot is preceded and followed by his body-guard, armed with maces. In the upper part of the slab on which the king is represented, is a jungle of high reeds, or canes, in which are seen a wild sow with her young, and a stag with two hinds.

The next series of bas-reliefs represents the building of the mounds on which the Assyrian palaces were erected, and the moving of the colossal bulls to their summits.

Brickmakers are at work between two mounds, on which are long lines of workmen going up and down. Those who toil upwards carry large stones, and hold on their backs, by ropes, baskets filled with bricks, earth and rubbish, which were all used in constructing the artificial platform. These workmen were captives and malefactors, for many of them are in chains, some singly, others bound together by an iron rod, attached to rings in their girdles. The mound being finished, the colossal figure weighing between forty and fifty tons, was dragged to its summit by precisely the same means which had been used to convey it from the river. The king here also stands in his chariot, which on these occasions is not drawn by horses, but by eunuchs, whilst an attendant raises the parasol above his head. Before him is his body-guard, which consists of a long line of alternate spearmen and archers, who rest their arms and shields upon the ground. Above him are low hills covered with various trees, amongst which are the vine, the fig, and the pomegranate. At the bottom of the slab is represented a river forming an island, as the Tigris does to this day opposite Kouyunjik, on whose banks men are seen raising water by a simple machine, still generally used for irrigation in the East. It consists of a long pole balanced on a shaft of masonry, and turning on a pivot. To one end is attached a stone, and to the other a bucket, which, after being lowered into the water and filled, is easily raised by the help of the opposite weight. The contents are emptied into a conduit communicating with the water-courses running through the fields.

Finally the figure of the bull is represented no longer horizontally, but erect in its position, in which it is kept by levers, held together by cross bars and wedges, and it is also supported by blocks of stone, or wood, piled up under the body. The king superintending the building of the mounds, and the placing of the colossal bulls, is Sennacherib himself, and the sculptures celebrate the building at Nineveh of the great palace and its adjacent temples, which are ascribed in the inscriptions to this monarch. The inscriptions on the bulls at the entrances contain not only historical records, but describe also the building of the edifice, its general plan, and the materials employed in decorating the halls, chambers, and roofs. The bas-reliefs also were accompanied in most instances by short epigraphs. Over the king superintending the removal of one of the

colossi, is the following inscription: "Sennacherib, king of Assyria. The great figures of bulls, which, in the land of Belod, were made for his royal palace, he transported thither." And over the representation of the building of the mound, "Sennacherib, king of Assyria. Hewn stones, which, as the gods willed, were found in the land of Belad, for the walls of my palace, I assured the *inhabitants of foreign countries* and the people of the forests, the great bulls for the gates of my palace, to drag." Other inscriptions record that objects of wood were brought from Lebanon by order of this king, and it is far from improbable that many captive children of Israel were amongst the foreigners who were obliged to labour as slaves in erecting the palace of Sennacherib. p. 110-118.

Nor is it merely in her inscriptions and records, and on the monuments which have been dug out of her portals, or still cling to her crumbling walls, that the history of Nineveh has been discovered, for the very rubbish which has lain for near three thousand years in the chambers of her ruined palaces, has furnished important contributions to the same subject. In a chamber of the north-west palace of Nimroud, which was built by Sargon, the father and predecessor of Sennacherib, were found various vessels and ornaments, which possess very great interest. The first objects discovered were two copper caldrons, two-and-a-half feet in diameter, and three feet deep. They rested upon a stand of brickwork, and had their mouths closed by large tiles. They were filled with curious relics, most of which are now in the British Museum. Amongst other things they contained about eighty small bronze bells, with iron tongues, the largest being three-and-a-quarter inches high, and two-and-a-quarter in diameter, and the smallest, one-and-three quarter inches high, and one-and-a-quarter inch in diameter. Beneath them were several bronze cups and dishes, and scattered amongst them were several hundred studs and buttons, in mother-of-pearl and ivory, and small rosettes in metal. All these, with the exception of the cups and dishes, were probably ornaments of horse and chariot furniture, for the bas-reliefs* constantly represent the Assyrian horses, with bells about their necks, and having their trappings adorned with the other ornaments which we have just enumerated. Beneath

* See Zach., xiv. 20, where a similar practice is alluded to.

the caldrons were heaped, lion's and bull's feet of bronze, and the remains of iron rings and bars. Ten additional caldrons containing, besides plates and dishes, four crown-shaped bronze ornaments, two elegantly finished copper bands, such as are represented to have been worn by warriors, in the bas-reliefs; a grotesque head, in bronze, probably the top of a mace; a metal wine strainer, of elegant shape, with various other articles of metal and bronze; several jars, one of which contained ashes and bones, and two circular flat vessels, nearly six feet in diameter, and about two feet deep, which Mr. Layard compares with the brazen sea that stood in the temple of Solomon, and bronze cups, bowls, and dishes, of various sizes and shapes, were found in other parts of the chamber. Very beautiful and elaborate designs were discovered on these objects. Some have a simple rosette, scarab or star in the centre; many are exquisitely adorned with the figures of men and animals, and with elegant fancy designs, either embossed or incised. It is remarkable that the metal of these bowls and dishes contains one part of tin to ten of copper, being exactly the relative proportions of the best ancient and modern bronze, whilst the bells contain fourteen per cent of tin, which shows that the Assyrians were aware of the effect produced by changing the proportions, and that they had made great advances in the metallurgic art. They also frequently overlaid iron with bronze by way of ornament—an art not practised in modern metallurgy until these specimens were brought from Assyria.

Around the vessels were swords, daggers, shields, the heads of spears and arrows, and parts of breast-plates, and other fragments of armour, embossed with figures and ornaments. The shields are of bronze, and circular, and about two feet six inches in diameter. Along with these were found the head of a pick, a double-handled saw, heads of sledge hammers, a large blunt spear-head, and other iron instruments, such as we find from Scripture were used to force stones from the walls of besieged cities. Glass bowls, and various objects in ivory, were also discovered. Amongst the latter were a carved staff, perhaps a royal sceptre, and several entire tusks of the elephant. Two uninjured glass bowls, with fragments of others, are most probably of the same age as a small bottle previously discovered in the same palace, on which there is the figure

of a lion, with the name of Sargon, and his title of king of Assyria. It is consequently the most ancient known specimen of *transparent* glass, for it belongs to the latter part of the seventh century, B. C., and none of those from Egypt is believed to be earlier than the time of the Psamettici, or about the end of the sixth century, B. C. Opaque coloured glass of a much earlier period has been discovered, and some specimens exist which belong to the eighteenth century, B. C. The Sargon vase was blown in one solid piece, and then shaped and hollowed out by a turning-machine, the marks of which are still visible. With it were found two larger vases in white alabaster, inscribed with the name of the same king. Near the glass bowls was a rock-crystal lens, with opposite convex and plane faces; and as this belongs to the same period, it is consequently the earliest specimen of a magnifying and burning glass which has ever been discovered. It was buried beneath a heap of fragments of beautiful blue opaque glass, and not far from it were two ornaments, each of which was the figure of a scarab with outstretched wings, inlaid with gold.

In this chamber was also discovered the royal throne. With the exception of the legs, which appear to have been partly of ivory, it was of wood overlaid with bronze. The metal was most elaborately engraved, and embossed with symbolical figures and ornaments, such as winged deities, struggling with griffins, mythic animals, men before the sacred tree, and the winged lion and bull. The ends of the arms were adorned with the heads of rams, or bulls, the cross-bars with ornamental scroll-work, in the form of the Ionic volute, and the legs with lion's paws, which rested on a pine-shaped ornament. In front of the throne was the footstool, which was overlaid with embossed metal, and adorned with the heads of rams and bulls in the same way as the throne.

Mr. Layard having resolved to examine the ruins of Babylon, was obliged to purchase the protection of a Bedouin chief, in order to save himself from being robbed, and perhaps murdered by the Arabs. The small town of Tekrit is the only permanent settlement of any importance in the vast plains—once the garden of the world—which lie between Mosul and Baghdad. It is famous as the birthplace of Saladin, whose father, Ayub, a Kurdish chief, was governor of its castle for the Seljukian monarchs

of Persia. It is now a miserable village, but amidst the crumbling hovels of the present inhabitants are seen the ruins of mosques, baths, and well-built houses, and that labyrinth of tombs which invariably marks the site of an ancient Mahomedan city.

"Nothing marks more completely," (says Mr. Layard, p. 467.) "the results of the unjust and injurious system pursued by the Porte than the almost entire absence of permanent settlements, and of commercial intercourse on the banks of the Euphrates and Tigris. Two of the finest rivers of Asia, reaching into the very heart of the Turkish dominions, spreading fertility through districts almost unequalled for the richness of their soil, and for the varied nature of their produce, and navigable, one for nearly eight hundred and fifty miles from the sea, the other for nearly six hundred, are of no account whatever to the State, upon which nature has conferred such eminent advantages. The depredations of the Arabs, unchecked by the government, and the rapacity and dishonesty of the Turkish authorities, who levy illegal and exorbitant taxes upon every mode of transit, whether by land or water, and who make monopolies of all articles of produce, and of merchandize, effectually check the efforts of the natives themselves, by no means deficient in commercial activity and enterprize, to engage in trade, or to navigate the rivers. Even the European merchant, with privileges secured by treaties, and protection afforded by consuls and diplomatic agency, is scarcely able to struggle against the insecurity of the country, through which he must convey his goods, and against the black-mail exacted by the Arab sheikhs, secretly encouraged or abetted by the Turkish governors. From the most wanton and disgraceful neglect, the Tigris and Euphrates, in the lower part of their course, are breaking from their natural beds, forming vast marshes, turning fertile districts into wildernesses, and becoming unnavigable to vessels of even the smallest burden."

The direct road from Mosul to Baghdad would be across Mesopotamia, and along the banks of the Tigris, through a country uninterrupted by a single stream of any size, or by a single hill. But the Turkish authorities have not only neglected to construct a road along this route, they have not only permitted the country to be reduced to a wilderness, but they have had the dishonesty to repeal in the present tanzimat, or reformed system, as they are pleased to call it, an ancient law of the Turkish empire, by which the local governor was held personally responsible for losses from open robbery committed within his jurisdiction. The consequence is, that caravans are obliged to

desert the river, and to proceed in a circuitous route along the foot of the Kurdish hills, exposing themselves to long delays from swollen streams, and often spending six weeks in making a journey which should not occupy as many days. And even this road is no longer secure, unless the caravans be strong enough to defy robbers secretly encouraged by the Turkish governors, who expect a share of the spoil.

From Tekrit to Baghdad the Tigris winds through the great alluvial plains of Chaldæa, which are filled with the ruins of an ancient civilization, and with the historic glories of six great empires—the Assyrian, the Persian, the Parthian, the Greek, the Roman, and the Saracen. Not far below Tekrit is the plain of Dura—now of course a wilderness—where it is believed that Nebuchodonosor set up the image of gold, which the Hebrew youths refusing to adore were cast into the fiery furnace,* and it was here also that after the death of Julian the apostate, in his disastrous retreat, his successor, Jovian, was forced to conclude a disgraceful peace with the Persian king, Sapor, and to yield to him the five great provinces to the east of the Euphrates. Not far below is the great canal of the Naharman, whose innumerable arms formerly spread fertility over vast districts, once rich in villages and gardens, but now a desert. Lofty banks, all that remains of this mighty work, may still be traced stretching like natural hills far across the plain, here crossed by the remains of a richly decorated bridge, then losing themselves amidst a confused heap of mounds, marking the site of some ancient town. Indeed, the whole of these vast plains once filled with great cities, and teeming with abundance, are now divided between the desert and the marsh, for those very waters which formerly flowed in fertilizing streams, are now forming vast swamps along the Tigris and Euphrates, whilst aridity and the drifting sands are rapidly reducing the more distant plains to a desert. The banks of those two great rivers were formerly kept in repair by the tribes inhabiting the lower parts of Mesopotamia, who, in consideration of this service were exempted from taxes and tribute; but of late years the Porte has taken them under its own charge, and they have of course been allowed to fall into complete decay. So great has been this neglect

*. Daniel iii.

that the Euphrates is not navigable for ordinary purposes, even in the lower part of its course, and it is doubtful whether a steamer of even the smallest useful size could now find its way through the great marshes that absorb the waters of the Euphrates for nearly two hundred miles above its confluence with the Tigris at Korna.

With the exception of the ruins of an ancient college, and a few foundations of edifices, there is scarcely a trace to be found in Baghdad of the magnificent city of the caliphs, and the very names of Haroun-al-Reshid, and of Al Mamoun, who were so long the glory of Islam, are almost unknown in their own capital. Nearly half the space inclosed within its walls is now covered by heaps of ruins, and the population is daily decreasing, without the hope of change, under the united influence of tyranny, disease, and inundations. No one can go far beyond the gates without the risk of falling into the hands of marauding Arabs, who prowl unchecked over the plains, keeping the city itself almost in a continual state of siege. Mr. Layard, who found the country so overrun with Bedouins, and other tribes, in open revolt against the government, that he was unable for a considerable time to leave the city, had ample time to examine any antiquities which might exist within the walls; but the only remains of the Babylonian period hitherto discovered, are the ruins of an enormous drain, or subterranean passage, built of large square bricks, on each of which the name of Nebuchodnozzar still remains.

At length Abde Pasha, the governor of the province, placed himself at the head of his troops, and commenced an expedition against the rebels, which ended in his defeat and disgrace. But as the Arabs were obliged to betake themselves for a time to their fastnesses, Mr. Layard ventured, not without considerable risk, to set out on his journey to the mound which still bears the name of Babel. But the marshes formed by the Euphrates had reached almost to the very walls of Baghdad, interrupting communication by land and spreading miasma and disease through the city, so that to get into the highway leading to the ruins of Babylon, he was obliged not only to make a circuit of miles, but to ford ditches, and to wade through water and deep mud. To the marshes succeeded plains, covered with a perfect network of ancient canals and water-courses, but "a drought is on the waters of Babylon, and

they are dried.”* These lofty embankments, stretching on every side in long lines, until they are lost in distance, still defy the hand of time, and seem rather the work of nature than of man. The face of the country is dotted with mounds and shapeless heaps, the remains of ancient towns and villages. After a long ride through this scene of solitude and devastation, the traveller perceives a huge hill, whose flat table-like top, and perpendicular sides, rising abruptly from an alluvial plain, shows it to be the work of man. It is the mound of Babel. Around it are great embankments, the remains of walls and canals. To this vast hill succeed long undulating heaps of earth, bricks, and pottery. A solitary mass of brickwork, rising from the summit of the largest mound, marks the remains known to the Arabs as the “Mujelibé,” the overturned.

Everywhere fragments of glass, marble, pottery, and inscribed bricks are mingled with a nitrous and blanché soil, which checks or destroys vegetation, and renders the site of Babylon a naked and hideous waste. Owls start from the scanty bushes, and the foul jackall skulks through the furrows. “And that Babylon, glorious among kingdoms, the famous pride of the Chaldæans, shall be, even as the Lord destroyed Sodom and Gomorrah. It shall no more be inhabited for ever, neither shall the Arabian pitch his tent there, nor shall shepherds rest there. But wild beasts shall rest there, and owls.”†—p. 477-484.

The site of Babylon, like that of Nineveh, is not marked by one, but by a number of great mounds, which were all within its walls, and are the remains of its palaces, temples, and great public edifices. Mr. Layard made excavations in most of these, but the discoveries were far less numerous and important than would have been anticipated. It was not even possible to trace the general plan of any one edifice; only shapeless piles of masonry and isolated walls and piers were brought to light, giving no clue whatever to the original form of the buildings to which they belonged. No sculpture or inscribed slabs were discovered—scarcely a detached figure in stone, or a solitary tablet has been dug out of the vast heaps of rubbish. “Babylon is fallen, she is fallen, and all the graven gods thereof are broken unto the ground.”‡ Indeed, on ac-

* Jeremiah l. 38.

† Isaias xiii. 19-22.

‡ Isaias xxi. 9.

count of the unsettled state of the country Mr. Layard was obliged to abandon his plan of excavating in the *Birs Nimroud*—the palace of *Nimroud*, which has been very generally identified with the “*Tower of Babel*.” It rises to the height of one hundred and ninety-eight feet, and has on its summit a compact mass of brickwork, thirty-seven feet high by twenty-eight feet broad, the whole being thus, two hundred and thirty-five feet in perpendicular height. But whatever the original edifice may have been, of which this is the ruin, no remains have been discovered in it more ancient than the time of *Nebuchodonosor*, whose name is found on every inscribed brick taken from it. In the excavations made in the mound of *Babel*, were found a few square stones, inscribed on one edge with two lines of cuneiform characters, containing the name and titles of *Nebuchodonosor*, king of the *Chaldees*. The bricks discovered in the solid masonry at the base of the mound bore the same inscription, but the most interesting relics were arrow-heads, in bronze and iron, small glass bottles, some coloured others ribbed and ornamented, and vases of earthenware, of various forms and sizes, sometimes glazed with a rich blue colour. About a mile to the north of *Babel* is another mound which rises from the bank of the river, and is about seven hundred yards square. This ruin has for ages been the mine from which the builders of cities, rising after the fall of *Babylon*, have obtained their materials. Upon nearly every one of its bricks is clearly and deeply stamped the name and titles of *Nebuchodonosor*, and the inscribed face is always placed downwards. This wonderful piece of masonry is so perfect, and so fresh in colour, that it seems but the work of yesterday, although it is undoubtedly part of a building that stood in the midst of ancient *Babylon*. A large number of the fragments of brick found in this ruin are covered with a thick enamel, the colours of which have resisted the effects of time, and still preserve their original brightness. The principal colours are a brilliant blue, red, deep yellow, white, and black, and parts of figures and ornaments may still be traced on many specimens. The yellow is an antimoniate of lead, called *Naples yellow*, and was supposed to be a comparatively modern discovery. The white is an enamel of oxide of tin, an invention attributed to the Arabs of Northern Africa, in the eighth or ninth century. The blue glaze is a copper,

it contains no cobalt, but some lead which was not added as a colouring matter, but to facilitate the fusion of the glaze to which use it was believed lead had only been turned in comparatively modern times. (p. 166.)

Engraved gems and cylinders in sienite, agate, &c., were also found in the ruins, which show the skill of the Babylonian lapidaries. On many of the mounds were discovered numerous fragments of highly-glazed pottery, of a coarse blue colour, which were found to be the remains of coffins. Some of these were found entire, still containing human remains, which crumbled to dust as soon as exposed to the air. Mr. Layard also found some very curious bowls of terracotta, round the inner surface of which were inscriptions in the ancient Chaldean language, which Mr. Ellis, of the British Museum has proved to be relics of the Hebrew captives.* These inscriptions are very curious charms, the first being, a "Bill of Divorce to the Devil."

During Mr. Layard's stay at Babylon he visited the Affaii Arabs, who dwell in the marshes, and keep extensive herds of buffaloes that live in the stagnant water, and fatten on its rank vegetation. Of course the Affaii chiefly live in boats, which they call *Tiradas*, and many of these are made of bulrushes, and covered with bitumen; the "vessels of bulrushes" mentioned by the prophet.† The tents of the caravan were pitched about two miles beyond the great mound of Niffer, on the margin of the marsh. In front of the encampment was a small pond, from which the reeds had been carefully cleared away. From this open space branched several narrow lanes, leading into the interior of the morass through thick forests of cane and bulrushes. From the top of Niffer the mat hovels, forming the settlements of the Affaii, and the great herds of buffaloes pasturing in the swamps, could be faintly distinguished; but the view from the tents did not extend beyond a few yards, on account of the dense vegetation springing from the stagnant waters. Mr. Layard had scarcely been seated in his tent, when suddenly a number of black boats, darted from the reeds, and approached the shore. They were of various sizes, and were impelled by men standing at the head and stern with long bamboo poles. In the bottom of some, eight or

* See Layard, p. 509.

† *Isaias*, xviii. 2.

ten persons sat crouched on their hams: in others only one or two. We entered the *tirada* of the sheikh, which had been spread with carpets and silken cushions for his reception. Skimming rapidly over the lake, it turned into a broad street, cut through reeds fourteen or fifteen feet high. The little fleet passed the entrances to many lanes, branching to the right and left, from which came black boats filled with men and women, carrying the produce of their buffalo herds to the Souk, or market. Unseen sportsmen were shooting the waterfowl, with which the place abounded, and large kingfishers, of the most brilliant plumage, were seen sitting on the bending rushes watching their prey. The heads of buffaloes, whose unwieldy bodies were completely concealed under the water, were just visible on the surface, and occasionally a small swamp, scarcely an inch above the level of the marsh, was covered with huts made of red canes and bright yellow mats, out of which issued troops of half-naked men, women, and children, who stood on the bank to gaze at the strangers. The openings in the reeds were so numerous that it required a perfect knowledge of the various windings not to go astray. The Kouyunjik sculptors represent the Assyrians carrying on war against a people who dwelt in marshes, and who passed even then in bulrush boats, through streets formed in the reeds. The conquerors drained the marshes; but Turkish rule has here, as elsewhere, established the very same barbarism that existed three thousand years ago. These marshes were once the plains of Babylon, famed for their fertility.

We have endeavoured to epitomise Mr. Layard's narrative, not only faithfully, but as far as possible, to use his own words, especially when describing the present condition of the Ottoman Empire. It is such a record of barbarianism as no one can read without disgust and horror. This most favoured portion of the world, where stood Babylon, Seleucia, and Ctesiphon, the capitals of three great empires, where the mighty caliphs built Baghdad, the "Abode of Peace," where

"Eden stretched her line
From Auran eastward to the royal towers
Of great Seleucia, built by Grecian kings,"

is now a desert,—nor is it likely to improve, so long as it shall be ruled by a bandit government in league with the

robber—which shares his spoils and connives at his massacres. The unhappy Christians are at once the prey of the fanatic Kurds, the robber Arabs, and the plundering, irregular troops of the Turkish governors. “During the former state of things,” says Layard, p. 12, “the hereditary chiefs looked upon their Christian subjects as so much property to be improved and protected like the soil itself. They were a source of revenue; consequently, heavy taxes, which impeded labour, and drove the labourers from the land, were, from interest, rarely imposed upon them.” But, since the Porte has taken matters into its own hands, they are not even protected by that motive which saves domestic animals from wasteful destruction. We are not the friends or the apologists of the Czar, nor are we blind to the selfish designs by which he is at present actuated—we cannot forget his persecution of defenceless nuns—but, undoubtedly, the Christian subjects of Turkey are in great need of a protector. It is true that they are not directly persecuted on account of their religion in Constantinople and its immediate vicinity, but, wherever we go outside that very narrow circle, which is under the very eyes, not only of the supreme government, but moreover of the Catholic ambassadors, they are most barbarously oppressed and plundered. There is, moreover, a party large and fanatical enough to drive them even from the capital, if it was not overawed by the powers of Europe. Persecution—the Koran or the sword—is the very soul of Mahomedanism. It is impossible to form an alliance between Christianity and this degrading superstition, which reduces the fairest half of creation to the condition of mere domestic animals, and we can hardly conceive it to be either right or expedient to reduce the most fertile portion of the earth to a wilderness in order to preserve the balance of power. The utter disregard of all the rights of property by Turkish governors is so wanton as to render it absurdly ludicrous. One of these equitable persons, after consuming, with the aid of his suit and animals, all the provisions in a miserable village, imposed a tax on the inhabitants on account of the wear and tear of his teeth in eating them! Another Osman Pasha, who commanded the Turkish troops at Hillah, kept a lion, which roamed at large in the bazaars and thoroughfares, “took possession of the butchers’ stalls, who, on his approach, made a hasty retreat, leaving him

in undisturbed possession of their stores, until he had satisfied his hunger and deemed it time to depart. He would also watch the arrival of the large kuffas or wicker boats of the fishermen, and, driving away their owners, would help himself to a kind of large barbel, for which he appeared to have a decided relish." This saved the Pasha daily rations and butchers' bills.

It must be remembered that a large proportion of the Eastern Christians are Catholics, that among the remainder many have shown a ready disposition to join our communion, and that, for holding the ancient doctrines of Christianity, they are obliged to endure at the hands of insolent infidel Yanky missionaries a persecution which they consider worse than the plundering of Turks or the massacres of Kurds. The Emperor Nicholas is highly incensed against these missionaries for reviling his faith; and Mr. Layard lets out the secret that one of the objects for which England wishes to preserve the present state of things is to help the Yanky missionaries in their attempt to convert, not the Turks to Christianity, or the Devil-worshippers to God, but Christians to infidelity. Whatever may happen just now, it is impossible that such a mass of weakness and corruption as the Turkish empire should hold long together. No power on earth can, and Heaven certainly will not, prop up this miserable anti-social fanaticism in its dotage. It must either become a civilized Christian nation, or the seat of a new and vigorous military despotism; and there are still on the vast plains and mountains of central Asia, tribes sufficiently numerous, resolute, and brave to march in triumph through the world, if maddened by fanaticism and united under the leadership of some great military chief. Depend upon it, if European civilization be again swept away by barbarous conquerors, they will be the children of the East, and they will wreak terrible vengeance on those who assisted in perpetuating their barbarism, instead of striving to introduce Christianity and civilization among them.

- ART. IV.—1. *Narrative of a Journey round the Dead Sea, and in the Bible Lands, in 1850, and 1851.* By F. DE SAULCY, Member of the French Institute. Edited, with Notes, by Count Edward de Warren. 2 vols. 8vo. London, Bentley, 1853.
2. *A Religious Journey in the East in 1850 and 1851.* By the Abbé de St. Michon. 8vo. London, Bentley, 1853.
3. *Narrative of the United States Expedition to the River Jordan, and the Dead Sea.* By W. F. Lynch, U. S. N. Commander of the Expedition. London, Bentley, 1852.

NO new contribution, however inconsiderable, to our stock of information regarding the Valley of the Dead Sea, can fail to be received with welcome. It may well seem strange, indeed, considering the number and variety of topics of interest which that region suggests, and the eventful memories with which it is associated, that our knowledge of it should still remain so limited and unsatisfactory. It is not the biblical student alone that is interested in the elucidation of the subject. There is hardly a branch of scientific enquiry with which it may not be said to have some connection. The geologist and naturalist look as anxiously for new details of its physical phenomena, as the antiquarian for an exact account of its too long neglected remains: and even for the more commonplace enquirer, the mysterious judgments of which it has been the theatre, and the strange and startling stories which travellers tell of the horrors and maledictions which still seem to hang over it, have invested it with an interest altogether peculiar to itself.

It was in some such feelings as these that M. de Saulcy's mission originated. "All that was told of this wonderful lake—all that was reported of the perils which awaited the traveller who might be bold enough to venture on these mysterious shores, stimulated his curiosity." He preferred this to the more easy and agreeable, but more beaten tracks of Eastern travel; and, in the hope of completing what Burekhardt, Irby and Mangles, Dr. Robinson, and the more recent American explorers, whose interesting *Narrative* we have included among our authorities, had left unaccomplished, he resolved to concentrate his

researches "on a soil which promised to repay them by an ample harvest of interesting discoveries."

From some notices of M. de Saulcy's work, which have appeared, it would seem to have been supposed that his mission to the East was a public and official one: but this is a misapprehension. With the view of obtaining facilities which a private individual would fail to command among the wild and lawless tribes of these unexplored regions, he thought it advisable to obtain from the Minister of Public Instruction the nominal commission of a *Chargé d'une Mission Scientifique en Orient*. But the commission was merely titular. He travelled entirely at his own expense, and relied exclusively on his own resources. He was accompanied, however, by several friends, whose assistance he gratefully acknowledges. One of them, the Abbé de St. Michon, has prepared a separate work, specially devoted to the objects of religious interest that fell under his observation during their tour. The translation of this work, which stands second on our list, forms an agreeable accompaniment to M. de Saulcy's *Narrative*, for which, indeed, it is, in some respects, a necessary supplement.

A large portion of the ground explored by M. de Saulcy, especially Jerusalem and its environs, Bethlehem, Nazareth, and the other sacred localities in the Holy Land, has already been traversed by Dr. Robinson, in his *Biblical Researches in Palestine*; and our first intention on taking up M. de Saulcy's tour was, by a comparative analysis of both works, to follow this learned but deeply-prejudiced writer through his disquisitions on the Holy Places, and other objects of religious veneration in Palestine; and calmly to examine the angry and unmeasured strictures in which he habitually indulges upon the ecclesiastical traditions regarding them. But we found, after a short examination, that M. de Saulcy has altogether passed over this branch of the subject; an omission which, at first sight, seemed accounted for by the title of the forthcoming work of his friend and companion, the Abbé de St. Michon, but which, we are disappointed to find, is not supplied by him. M. de Saulcy's biblical researches detailed in the present work, are almost exclusively connected with the Old Testament; and M. de St. Michon's *Journey* can hardly be said to partake of the antiquarian character at all. Indeed the author gives

scarcely any of the particulars of his visit to the Holy Land, but confines himself chiefly to the present condition of Christianity in the East, especially in reference to the prospect of a reunion of the two great branches of the Church; a subject on which we cannot but fear that he has allowed his zeal or enthusiasm to outrun his calmer judgment.

Before proceeding, however, to consider the new lights which M. de Saulcy claims to have thrown upon the general subject of biblical antiquities, we must premise a brief sketch of his tour and its results, especially of the most novel and interesting portion of it,—his circuit of the Dead Sea, his explorations in the plain of Moab, and his visit to the sites of the doomed cities of Sodom and Gomorrah. Considered merely as the record of a tour, it may be that the work will not prove popular or attractive. It is plainly a book for students, and for students alone. There are few lively adventures to excite; few personal sketches to amuse; the descriptions of scenery are, for the most part, formal and didactic, and they hardly ever pretend to that graphic and animated character which constitutes half the charm of description by imparting to it all of reality that mere description can possess. Moreover, the very form of the book is, in itself, an offence against what have come to be considered the almost indispensable conveniences of reading and of reference. It has no distributions of chapters or sections, no headings or running titles, no indexes, no summary of contents, not even a general indication of its plan or its arrangement; in a word, no help whatsoever to study, or to reference, and no trace of division, except the very partial and unsatisfactory one which is involved in the form of a Diary, in which it happens to be written.* As regards the substance of the information conveyed, too, it may sometimes appear meagre, and even unimportant. A popular tourist, writing for effect, would have confined himself to the most important and interesting objects, and would have dwelt minutely upon these. But M. de Saulcy, in his desire not to overlook anything which

* The form of this Diary is one of the peculiarities of the book. The entries appear to be preserved in their original shape, and thus are all *in the present tense*. The effect is very curious, and indeed often ludicrously so.

might contribute, even remotely, to the elucidation of his favourite theme, the topography of the Bible, thinks it his duty to record every object and every site which comes under his observation, even where the record may seem entirely destitute of interest. Many of his entries, therefore, are a little more than a mere enumeration of names and places. But it must not be forgotten that even these, however uninteresting, and perhaps destitute of significance, for the general reader, may be of deep interest to the careful biblical student. Some of them may even serve as indications to the future explorer, and eventually prove the germ of valuable discoveries. And it is only justice to M. de Saulcy's own work to add, that tame and unexciting as his diary may occasionally be found, it is never careless or inelegant. His language is uniformly chaste and correct; his style simple, easy, and flowing; and he has had the good fortune to find a translator who preserves, in his English version, all the best characteristics of the original.

We shall not delay upon his outward journey, which was by the route of Vienna, Trieste, Athens, Constantinople, and Smyrna, to Beyrout. He arrived at Beyrout early in December 1850, and, travelling by leisurely stages, reached Jerusalem for the celebration of the Christmas festivities. It is pleasant, when one thinks of the French Institute as it used to be, to find one of its members exploring the sanctuaries of Palestine in such a spirit as that exhibited by M. de Saulcy. He is not ashamed to acknowledge the profound sentiment of reverence with which he visited the Church of the Annunciation at Nazareth. He "pities from his inmost soul the man who could find himself in such a place without feeling a strong and deep emotion." If there be travellers who are unhappily inclined to boast that they have stood there unmoved, he "classes them with those vain-glorious sceptics, who think they lower their dignity unless they treat with ridicule all that exceeds their limited comprehension." Such, however, he adds, "is usually the error of youth. He who, at twenty, scoffs at religious belief, is very likely at a later period to fall into an opposite extreme, and to exceed in faith, as once he did in incredulity." For himself, he avows without hesitation, that, "upon entering this venerable cave, he was moved to tears." There is something very touching, too, in the humble acknowledgment of early

error with which the avowal is accompanied. He confesses that "perhaps some years ago he might have been ashamed to acknowledge this;" but adds that "he has lived long enough to alter his opinion, and deems himself fortunate in the change." Under the influence of this feeling, he was careful to procure some small particles detached from the walls of the holy cave, which he divided on his return to France "between his good mother and several other friends, who are simple enough of heart to prefer this humble souvenir to the most precious jewels which he could have collected in his travels." *

They arrived at Bethlehem on the eve of Christmas.

"A little further on, we leave to our left some ancient cisterns, known by the name of David's wells. At this point the road, to round the valley in which Bethlehem stands, turns off at an angle, and thus suddenly takes us in front of the first buildings of the holy city. From this spot the aspect of Bethlehem is really delightful. It is an extensive village, with houses grouped together in the most picturesque manner, and at its eastern extremity appear the imposing masses of the church and convent. In front of Bethlehem, a large, well-cultivated valley opens, with plantations of olive and fig-trees arranged in terraces.

"Nothing can be more extraordinary than Bethlehem at the moment of our arrival. Christians from all the countries of the East are there congregated. Arabs, Greeks, Armenians, Copts, and Abyssinians, swarm in the streets: all are dressed in festival habits; and, whilst waiting for the ceremony of the night, each group of pilgrims kills the sheep which is to form the foundation of their evening meal. Our horses literally flounder through the blood spilt on all sides by these extemporaneous butchers. The open yard in front of the monastery is crowded with pilgrims, to whom the Bethlehemites sell chaplets, crosses, and small pictures carved in olive wood or mother-of-pearl.

"We alight at the convent gate, in front of the burying-ground, in which are interred the Franciscan fathers who die at Bethlehem. A small door, four feet and a half in height, admits into the monastery the pilgrims who come to claim its hospitality. This door is closed behind them, and they then find themselves in large corridors, where crowds of Christian Arabs are constantly circulating. We are, as usual, cordially welcomed; rooms are assigned to our exclusive use, and we become members of the establishment for four and twenty hours.

"As we have arrived early, we take advantage of the remaining portion of the day to ramble in the neighbourhood. Service is

* Vol. i. p. 78.

going on; we cannot therefore visit the sanctuaries, which we must reserve for our return. As we leave the convent, we pass entirely through the town, and at a fountain, surrounded by a group of the prettiest women imaginable, we make an abundant collection of insects. When, at the close of day, we retrace our steps, other women have succeeded the former ones at the fountain, equally attractive and elegantly attired. The women of Bethlehem are celebrated throughout Syria for their remarkable beauty and graceful bearing."—vol. i. pp. 131—132.

On the fifth of January 1851, he set out from Jerusalem upon what he looked to as the great object of his expedition—the route to the Dead Sea, taking Bethlehem once more upon his way. It was on his route thence to the Greek convent of Mar-Saba that he obtained his first view of its shores, which, however, they did not reach until the ninth. The way from the convent of Mar-Saba lies for the most part, along the course of the Ouad-en-Nar (the "torrent of Cedron" of the Bible). The banks of this torrent are walls of natural rock, the sides of which are in many places perforated with caves, which, although at present inaccessible, bear evident marks of having formerly been inhabited. By the local tradition they are pointed out as the cells of the primitive Christian anchorites; but M. de Saulcy is of opinion that they may be traced even to a higher antiquity, and that they formed the dwelling-places of the Jewish ascetics, known as the Essenians. That the Essenians dwelt in this region there seems little reason to doubt. Pliny* states that they inhabited the western shores of the asphaltic lake. But he does not determine the precise point of that coast which they selected; and, in the absence of any direct evidence, there does not appear sufficient ground for departing from the received tradition. Perhaps, indeed, the two suppositions are not irreconcilable. Not to speak of the (untenable) opinion of those who regard the Essenians as a Christian, rather than a Jewish sect, it is perfectly possible that the cells once tenanted by the Essenian anchorites, may at a later period have been occupied by the early Christian hermits; and there is every reason to believe that many of the first Jewish proselytes may have been from this—the most rigid and self-denying sect of the Jews.

M. de Saulcy's experiences of the Dead Sea will read

* Hist. Natur. v. xvii.

very tame and common-place in contrast with the notions which are popularly entertained of the horror and desolation that perpetually brood over this lake of doom, and even with many passages in the *Narrative of the American Exploring Expedition*.

"From the summit of the mountain which we have just descended, this strange sea, which all writers describe as presenting the most dismal aspect, appeared to us like a splendid lake, glittering in the sunshine, with its blue waves gently breaking on the sands of the softest beach. Through the transparent water appeared a white tint which enlivened the shore. We guessed at once that this appearance was owing to the salt crystallised under the water, and when near, we find that our conjecture is right.

"Are we now to be convinced that no living thing can exist on the shores of the Dead Sea, as has been so often repeated? We ascertain the contrary fact the very moment we touch the shore. A flock of wild ducks rise before us and settle on the water out of gun-shot, where they begin sporting and diving with perfect unconcern. As we advance, beautiful insects show themselves on the gravelly beach; rooks are flying and screaming among the rent cliffs of the steep hills which border the lake.

"Where then are those poisonous vapours which carry death to all who venture to approach them? Where? In the writings of the poets who have emphatically described what they have never seen. We are not yet five minutes treading the shores of the Dead Sea, and already, all that has been said of it appears as mere creations of the fancy. Let us then proceed fearlessly forward, for if anything is to be dreaded here, certainly it is not the pestilential influence of the finest and the most imposing lake in the world."—vol. i. p. 165.

Nevertheless, while he defends the fair fame of the atmosphere of the Dead Sea, he confirms the statement of former travellers, that no fish can live in its pestilential waters. At first he was inclined to doubt this statement also. The Bedouins who attended his party brought him a small fish which they had found dead in the sand, and which had all the appearance of a sea-fish. A few days later two others of the same species were discovered at a different point of the coast. But the concurrent testimony of the Bedouin guides assured him that no fish are indigenous to the Dead Sea, and that the specimens which they had found were the bodies of fish which had been carried by floods from the Jordan or the Arnon. This

they stated to be of frequent occurrence; but they affirmed that fish so transported into the Dead Sea invariably perish in its waters; and as their bodies, from its great specific gravity, at once rise to the surface, the slightest breeze throws them upon the shore. The specimens which M. de Saulcy saw were all of the same species; and he recognized it as one which abounds in the lake of Genesareth, and which had often been served at his table during his stay at Thabarieh. Captain Lynch states in his *Narrative* (p. 251) that, after his return to America, "some of the water of the Dead Sea was subjected to a powerful microscope, and no animalculæ, nor vestige of animal matter could be detected in it;" and M. de Saulcy's personal experience of the water of the lake leaves little room for surprise at its proving fatal to any unlucky fish which may get within its limits.

"We have a favourable opportunity of testing the quality of the water of the Dead Sea at this particular spot, and we are too conscientious not to take advantage of it. One of our Bedouins goes to fill two bottles as a sample. I scarcely believe the world produces any water more abominably offensive, although clear and limpid in appearance. At first it seems to have the taste of ordinary salt water; but in less than a second it acts with such nauseous effect upon the lips, the tongue, and the palate, that your stomach instantly rejects it with insufferable disgust. It seems to be a compound of salt, coloquintida, and oil, with the additional property of inflicting an acute sensation of burning. In vain you clear your mouth of this horrible liquid; it acts so violently on the mucous system that the taste remains for many minutes, causing at the same time a painful contraction of the throat. The water of the Dead Sea, at the northern point, is atrociously bitter and salt, but it is lemonade in comparison with what we so rashly tasted at Rabath-el-Djamous.

"I have mentioned the various qualities of the Nubian in Rothschild's retinue, and amongst these, the reader may remember that greediness held the first rank. We are cruel enough to play off a school-boy's trick on our sable Pierrot. We offer him the bottle out of which he has seen us all drinking from a distance, saying "Drink, Selim; 'tis arrack." The poor devil swallows at once a huge bumper with an eagerness upon which he had fully reckoned. I have never seen anything to compare with his face a moment after; he makes grimaces and contortions like a lunatic; and it is only by giving him a piece of an orange that we succeed in consoling him for having allowed himself to be entrapped into the very bitter joke we have so remorselessly perpetrated. We tell him too, that we have all been poisoned like himself; he then

forgives the trick, and joins in the laugh at his own mishap."—vol. i. pp. 249—250.

From the point at which the Cedron falls into the Dead Sea, M. de Sauley and his party continued their route southwards along its shore. At some points of their journey they encountered the greatest difficulty. More than once water failed them; and from the abrupt and precipitous character of the shores, the way was in many places all but impassable. One such pass, as they approached the site of the ancient Engaddi (now called Ajin Djedy), is described very graphically.

"At twenty-nine minutes past twelve we have reached the crest of the plain, and descended by the winding bed of water-course to the brink of an abrupt chasm, running due east and about fifty yards wide, called the Ouad-ed Derajah; the sides of this chasm are perpendicular, and yet we must endeavour to cross them. The feat appears impossible. Our Arabs tell me by way of encouragement that the army of Ibrahim Pacha passed this defile with a moderate loss. The place is appropriately named 'Break-neck Valley:' truly these Arabs are a humorous race. You go down fast enough—there's no fear of that—only remember the name of the place, and take care not to go too fast. Prudent people try it on foot, and as I have no wish to have the death of my poor horse on my conscience, I dismount and consign him to my friend Ahouad; I shall have enough to do to take care of myself. As the scene promises to be interesting, I sit on the brink, and allow the most impatient to go first. Bedouins are like monkeys in scrambling through paths. Not one of our mules is killed, or precipitated down the chasm; all reach the bottom in safety. But the harder task is still before them—they have to surmount the opposite bank, which is likely to take more time and greater labour.

"Our infantry lead the way, and move on in perfect composure over narrow ledges overhanging the abyss from top to bottom. The path is along the bare and slippery rock: mules and horses become obstinate and rebel in terror; the poor animals have no taste for the hazardous experiment. But as they can neither turn nor retreat, between exhortations and blows they are forced reluctantly to advance. One spot is pre-eminently dangerous: the ledge overhanging the precipice is here not more than a foot and a half in width, circumscribed by a perpendicular rock which turns short round within a space of two feet more. The moukris invoke the prophet, exclaim, shed tears, and would no doubt pluck out their hair by the roots—if they had any under their turbans. One of them forgets himself so far as to abuse Hamdan, who prepares

very quietly to blow his brains out, but checks his momentary anger, and does nothing.

"The Bedouins then set to work ; every mule is divested of his load, dragged by the bridle, pushed forward with the but-end of a musket, or beaten with the flat of a yataghan until the point of safety is reached. Our horses are disciplined after the same fashion. The luggage is transported on the shoulders of the men, and the whole party are fairly through the scrape. Well! we must thank Providence, which has constantly protected us, and not provoke disaster by repeating the experiment."—vol. i. pp. 176—178.

It was at this place that M. de Saulcy first saw the far-famed

Dead Sea fruits, which tempt the eye,
But fade to ashes on the lips.

It will be seen that he regards the popular account of these fruits, like that of the pestilential atmosphere supposed to pervade the entire region, in a great degree, an exaggeration.

"You see on all sides inviting fruits, which you cannot gather without pricking your fingers. This is the orange of Sodom (the Bortoukan-Sdoum of the Bedouins), or fruit of the *Asclepias procera*. It resembles a middle-sized citron. When not ripe, the green pulp, which is nothing but a thin husk intended to protect the seed, is easily fretted by the mere touch of the hand when gathered carelessly, and then it emits drops of a thick milky juice. When ripe, it opens easily under the slightest pressure, and then a quantity of small black seeds appear, surmounted by a silky coating of the purest white. The composition of this fruit has no doubt produced the fable of the apples of Sodom, mentioned by Josephus, which, with the most attractive exterior, dissolved, when handled, into dust and ashes.

"Another fruit may likewise claim the honour of being the apple of the Dead Sea, so often commemorated by writers who have never visited the country. This is the produce of a large thorny nightshade, with pink flowers, the *Solanum Melongena*. The fruit is quite round, and, as it ripens, changes in colour from yellowish green to golden yellow. The size is that of a small red apple. It is more agreeable to look at than to gather. When quite ripe, a slight pressure of the fingers squeezes out thousands of small black grains, very like poppy-seeds ; and these seeds the imagination of poets has also converted into ashes.

"Whilst waiting for the arrival of the caravan, I visit the spring, the ruins of an Arab mill formerly turned by its waters, and two heaps of large stones, ten yards apart from each other,

which indicate the site of two important structures resembling towers. I attempt to botanise, grumbling every minute at the thorns which pierce my fingers, and rejoin Hamdan, loaded with treasures, which I throw down twenty times, with the ill-humour of a pointer compelled to carry a hedgehog."—vol. i. pp. 187—188.

One of the most interesting points of M. de Saulcy's route on the east coast of the Dead Sea, was Sebbeh, the ancient Masada, celebrated by the devotedness or fanaticism with which Eleazar and his followers defended it against Flavius Silva, the Roman general, during the war of subjugation. Unfortunately for the minuteness of his description, M. de Saulcy was not aware of the identity of the site until after he had left the spot; but he had no difficulty in recognizing, on subsequent examination of the account given by Josephus, the most remarkable and characteristic details. The perilous ledge of rock which Josephus calls "the snake," is even now more perilous than it reads in his description. It is one continued "series of scaling-ladders, several hundred feet in perpendicular height, and increasing when they might seem to be exhausted." The precipice which Josephus calls *Leuké*, (the *White Promontory*) is also clearly discernible:—"its crest protected by a wall of dry stones, which dips rapidly, with the rock that bears it, to the bottom of the chasm." Equally unmistakeable is the scene of the last act in the fearful tragedy of the capture of the citadel, in which, after consuming in one indiscriminating pile all the riches which they had collected into this spot, the remnant of this fierce band, nearly a thousand in number, chose by lot a party of ten, who, having first immolated all their companions without distinction of age or sex, selected by a second lot one out of their own number, who first sacrificed his nine associates and then died by his own hand. M. de Saulcy's party had much difficulty in reaching the place, and a similar difficulty was experienced by the officers of the American expedition under Captain Lynch, who describe it as "not less than a thousand feet in perpendicular height above the chasm." On the smoothly scarped side appear a few "excavations resembling those of a necropolis, and placed about fifty feet below the summit, without any protuberant steps or stones by which they could be reached." The only approach to this spot was along a ridge "as narrow as the blade of a knife," over which they were compelled "to

adventure like rope-dancers, without even the advantage of a balancing-pole." On the summit they found some very well-preserved remains, the most curious of which is a gate of beautiful workmanship, with a "*pointed arch*." M. de Sauley has given a drawing of this most interesting relic, which, if his estimate of the date were correct, would carry the pointed arch back to the days of Herod the Great, or, at latest, to those of Vespasian and Titus. On the stones of the gate have been scratched "signs which resemble the symbol of the planet Venus, and Greek letters, such as Delta and Tau." But of the date of these M. de Sauley is unable to form an estimate, although he inclines to think them posterior to the original structure. We are disposed to believe, however, that, even as to the antiquity of the structure itself, M. de Sauley's estimate is grievously exaggerated. We cannot persuade ourselves that the gate is not a mediæval structure, probably the work of some of the crusaders; and we are confirmed in this belief by the opinion of Mr. Wolcott, an American missionary, who visited Masada in 1842, and who, in a letter published in the "*Biblical Cabinet*,"* considers the gate as a modern ruin. All those, however, who have visited the spot, concur in regarding the main body of the ruins as part of the original structure. Mr. Wolcott thinks they are of the age of Herod the Great, and the officers of the American expedition are of the same opinion. We shall transcribe M. de Sauley's own account:—

"I have no doubt that this enclosure constituted the original Masada built by Jonathan, according to Josephus. All the remainder is the work of Herod the Great.

"Some of the walls are built with large cut stones, fastened together by smaller ones, instead of mortar. The same style of building is to be found in the cisterns of Jerusalem and El-Bireh. Looking towards the east, I mean in the direction of the Dead Sea, there are no traces of defences as solid and as carefully constructed as those which protect the platform of Leuk'. The reason is obvious: there was no dread of attack on this side, where nothing but birds could ascend by the direct way. Nevertheless, a circle of ruined walls entirely surrounds the crest of the platform of Masada.

"From the brink on which we are standing we can discover very plainly, and judge the surprising state of preservation, of the

* Vol. xliii. p. 67.

besieging works constructed under the order of Silva. Nothing is easier than to describe the entire plan. Four square redoubts command—one the chasm on the left, and the three others the Ouad-el-Hafaf (valley of the ruins). Beginning from these posts, which are connected by a curtain made of stones and pebbles, two other retrenchments, of the same construction, enclose the rock of Masada, as it were, between the branches of a pair of tongs. These lines of circumvallation are of great extent, taking in without interval the left flank of the mountain of Sebbeh, as well as that of the lofty eminence opposite Masada, on the other side of the Ouad-el-Hafaf. The last line in all probability terminated at the camp of Silva, as I have verified the fact with regard to the line on the left.

“The platform contains no other structures beyond those we have mentioned—viz. towards the northern point, the palace, and a cistern; and towards the south, another cistern and a mass of ruins, belonging perhaps to a barrack. On the southern side of the rock are a well and a vault, lined throughout with a hard and smooth cement. To reach this vault a serious danger must be encountered, as you are literally suspended over the Ouad-el-Hafaf, which is more than twelve hundred feet below, and the only entrance is by a few steps almost impracticable. It would be difficult not to identify it. In this vault we readily recognise one of the subterranean magazines in which the provisions had been accumulated, which could be preserved in Masada for centuries without spoiling. On our way we passed another reservoir, or rather a well; then returning to the northern side, where the entrance gate is situated, we have accomplished indifferently the entire circuit of the fortress.”—vol. i. pp. 231—233.

The description given by the American explorers, of the steep and winding path by which they ascended, is even more minute, and is a curious testimony to the fitness of the name by which it is called in the narrative of Josephus;—the *Snake*, or *Serpent*, “which animal it resembles in its narrowness and perpetual windings; for it is broken off at the prominent precipices of the rock; returns frequently into itself, and lengthening again by little and little, seems, as it were, to proceed forward with difficulty.” Captain Lynch’s Narrative refers to the pointed arch of the gateway, as well as to the curious letters and symbols upon the stones of which it is built, but without offering any opinion as to its probable antiquity.

From Sebbeh, M. de Saulcy proceeded southwards along the eastern coast, passing by the site of the ancient Sodom, which he reserved for exploration on his return; and turning the south-eastern angle of the Dead Sea, continued

the circuit along the south and south-western shore, as far as the peninsular neck of land called El Lisan (the Tongue) the shore of which, however, he does not appear to have explored. From this point he turned aside through the plain of Moab, many of the sites of which he has very satisfactorily determined. Among these we may particularize the ruins of Zeboiim, (in the Vulgate, *Seboim*,) situated to the west of the entrance of the peninsular tongue just referred to. These had been supposed, not only by Irby and Mangles, but by the later explorers, Lynch and his party, to be the remains of the ancient Zoar (in the vulgate Segor). But M. de Saulcy shows very clearly that Zoar was situate on the opposite shore of the Dead Sea.

Among the architectural remains which fell under his notice in the course of this excursion, those called by the modern Arabs Beit-el-Kerm (the House of the Vine) deserve especial notice:—

“When we have arrived within a few hundred yards of the Beit-el-Kerm, Rothschild darts forward, reaches the ruin, behind which he disappears for a moment, and then, suddenly returning, shouts in admiration—‘Come along! come quick! It is as fine as Bâalbek!’ This suffices to excite the whole party to a rapid gallop.

“By thirty-five minutes past eleven we have all alighted, and participate most heartily in the admiration of our companion. We are standing in front of the remains of a magnificent tetrastyle temple, evidently of the same period as the temples of Bâalbek; that is to say, coeval with the age of Adrian and the Antonines.

“The ground is strewn with tambours of the shafts of pillars, with remains of capitals and fragments of cornices. How lamentable that such a beautiful monument should have been overthrown! Has its destruction been produced by an earthquake, or by human violence? I prefer believing in a catastrophe independent of the will of man. Be that as it may, let me describe what is left of this marvellous structure, the walls of which are still four or five yards high.

“It is a perfect rectangle, set directly to the east. The front and rear faces are nearly one hundred feet in length; the two lateral faces scarcely exceed ninety feet. The walls are six feet thick. At the four angles they project slightly for a few inches, and these projections extend nearly eighteen feet along the lateral faces, and twenty feet along the front and back walls. The interior measurement of the temple is eighty-four feet by sixty-eight.

"On the front face were placed four huge columns, four feet in diameter; the lower divisions of these are still in their original position. The two central columns are distant from each other twenty feet, from axis to axis. A distance of fifteen feet, from axis to axis, divides these two columns from the columns at each angle; and all four are distant seven feet from the inner face of the vestibule. This vestibule is twenty feet in depth. The gate of the temple is eleven feet wide. To the right and left are two consoles or brackets, jutting out from the wall, divided from the side posts of the gate by a distance of nine feet. A projecting pannel, four feet and a-half broad, stands between each console and the gate, and commences only one foot and a-half from the edge of the gate on the outside; the angular projections of the walls are united to each other by much smaller ones, forming altogether a kind of general base, about three feet in height above the present ground.

"At the further end of the temple, two walls, each five feet thick, standing perpendicular to the back, and seven yards distant from each other, form a *sacellum* or chapel, of twenty-one square feet, the front of which bows out in a circle, with a radius of eleven feet. The whole interior of the building is encumbered with blocks of stone, fragments of columns and capitals, heaped in a perfect chaos of ruins, through which it is extremely difficult to effect a passage.

"The place is often resorted to as a temporary abode by the Bedouins, as we may judge from the furze, or rather compost accumulated for litter. This, with the dung of animals hardening in the sun, to serve as fuel, indicates the frequent presence of man in this ruined temple. Either the usual inhabitants have gone out for a ramble, or they have concealed themselves in some hole, through fear of being robbed by strangers. One thing is certain, not a living soul is visible.

"Amongst the fine fragments of sculpture, strewn around in great abundance, and some of which have been used to form enclosures rather too open for shelter, we find a fine arch-stone, bearing a bust of Apollo, with a radiated head; a magnificent lion's mouth, formerly used as a gutter-spout; numerous Corinthian capitals, more or less defaced by time; and fragments of cornices, embellished with very rich foliage. All these were portions of the temple; but there are others, also, which cannot have belonged to it. Mouldings, and bases of columns, of a much more simple style, are found here and there. These, with blocks of lava, and sculptured fragments of the same material, are evident signs of the pre-existence of buildings on this spot, much more ancient, and most probably of Moabitic origin."—vol. i. pp. 368—371.

M. de Sauley and his party flattered themselves for a

time that they had been the first discoverers of this noble ruin ; to their great disappointment they found carefully engraved, as if with a pen-knife, on the wall of the vestibule, the name "Hyde," with the date 1822 ;—evidently an English traveller, who had resorted to this "fool's device of graven immortality." It is much to be regretted that M. de Saulcy did not take the precaution of making a plan of these remains, or at least a few drawings of their most characteristic features. The only drawing which he gives—the figure of a Moabite warrior, sculptured on a block of lava, found at Redjom el Aabad (the Mound of the Slave)—the most northern limit of their excursion—is of a character to make us desire more complete information as to the artistic monuments of this strange country. It consists of a "figure as large as life, with the whole of the lower part wanting from the knees," but which, notwithstanding this mutilation, is of great value as a monument of art. "A personage wearing a helmet of Assyrian shape, holds with both hands a javelin with a large iron head, with which he seems to strike a man, supposed to be in supplication at his knees ; the upper part of the body is naked ; but, from the hips down to the knees, he is clothed in a short close tunic, exactly similar to that worn by the Egyptians ; over his right shoulder and behind his back is hung a bended bow, without any apparent string ; behind is the figure of a lion, of small dimensions, which appears to be merely the ornamented leg of a throne, judging by its diminutive size." The entire of the surrounding space was found strewn with fragments of coarse pottery, which M. de Saulcy pronounces exactly like the primitive specimens of earthenware which have been found at Santorin, at Alba Longa, and elsewhere, in strata buried under beds of lava, and thus proved to be of exceeding antiquity. Fragments of rude Mosaic, white, black, and red, also abound ; and he describes the structure of some of the walls as decidedly of the character known in Greece, Italy, and the other haunts of the Pelasgic races, by the name of Cyclopean architecture. M. de Saulcy offered a large sum for the safe transport of this curious relic ; but his offer only had the effect of making the Bedouins believe that there was gold concealed within the block ; and although an undertaking was given that it should be conveyed safely to its destination, he has not yet received it. We cannot help deeply regretting this loss. At the present crisis in the study of the history of

ancient art, such relics as these, if they be really specimens of the native art of Moab, would prove exceedingly interesting. It would be most important to ascertain the leading characteristics of the Moabite remains, and to determine to which of the two great schools they belong; whether to that of Egypt, or to that of Assyria, the distinguishing characteristics of both of which Cardinal Wiseman has most ably and beautifully elucidated in his recent Lecture at Liverpool. These will be subjects to which the explorers, who, we trust, are sure to follow in M. de Saulcy's track, may more usefully address themselves.

After a considerable tour through this most interesting region, he returned to the Dead Sea coast, at the southern angle of the Tongue, already described, whence he retraced his steps by the same route, as far as the site of the ancient Sodom, and thence, through the interior, by the way of Carmel, and Hebron, back to Jerusalem. It will be seen, therefore, by reference to the map, that no portion of the western coast, from the peninsula El Lisan, as far as the mouth of the Jordan, was visited by M. de Sauley. It is much to be deplored also, that his examination of the country of the ancient Moabites was so cursory and so partial. The most that can be said of his explorations in this quarter is, that they have opened the way for future explorers, and have demonstrated both the feasibility and the importance of the undertaking.

The most interesting result of this portion of his researches, is that which regards the site of the ill-fated city of Sodom. It is impossible, of course, to enter into the details of the proof by which he establishes his opinion. We may briefly state that it consists of two parts: the first, by which he shows that the city stood at the south-eastern angle of the Dead Sea; and a second, by which he disproves the popular, but entirely unauthorized supposition, that this city, as well as Gomorrha, was completely submerged by the Dead Sea, and, therefore, that its site is no longer discoverable on the shores as they stand at present, but lies beneath the waters of the "Lake of Doom."

The first portion of the proof rests on the authority of Strabo,* who places Sodom on the same side of the Dead Sea with Masada (which is confessedly the East) and to the

* Lib. xvi.

south of that fortress, and on that of Josephus, who says that it was close to Zoara, (the Segor of the vulgate,) which city he places at the south-eastern corner of the Dead Sea; and both authorities are strongly supported by what is told in Genesis (chap. xix.) of Lot's flight from Sodom; that although he had not fled from Sodom until after "it was morning," (v. 15 and 16) yet he reached Zoar "when the sun had risen upon the earth," (v. 23) as well as by the express declaration of Lot himself to the angel that it was a city "here at hand" to Sodom;—neither of which passages can be fairly interpreted of any site far removed from the remains of Zoar.

This, however, would not suffice, unless it can also be shown that, contrary to the popular belief, the city of Sodom was not buried beneath the waters of the sea. On this point M. de Sauley's reasoning is perfectly conclusive. He shows most satisfactorily, that whatever may have been the origin of this belief, there is not a word, either in the Scriptures or in the early writers, to give colour to it. On the contrary, the plain meaning of the many passages of Scripture which bear upon the fate of Sodom, supposes that after its destruction, the site of the city still remained uncovered by the waters of the Dead Sea. Thus when Lot looked back on the place of the burning city (Gen. xix. 28), it was "*from the earth*," that "he saw the ashes rise up as the smoke of a furnace." In Deuteronomy (xxix. 23), it is spoken of as a place that "cannot be sown any more, nor any green thing grow therein." In the prophecy of Sophonias it is described as "the dryness of thorns, and heaps of salt, and a desert for ever" (ii. 9.): all of which, with many similar allusions, are quite incompatible with the idea of its being actually hidden beneath the waters of the sea. The same belief is still more plainly conveyed by the language of the early profane writers. Strabo declares that its ruins are actually to be seen, and describes its circumference as about sixty stadia. Josephus, in a passage, the sense of which it is impossible to mistake, and in which he contrasts the two modes of destruction—that by the fire of heaven, and that by submersion under the waters, or by being swallowed up in the abyss—declares the former to have been the fate of the city of Sodom. There is a similar testimony from Tacitus, which, although it does not name the city of Sodom in particular, yet evidently applies to it among the cities of this desolated land.

From all this M. de Sauley concludes :

"I cannot suppose that additional proof will be required of the fact—which may be questioned, but not invalidated—that the ruins which are known to the Arabs under the name of the Kharbet-Esdoum, are actually and really the ruins of the biblical Sodom. To contest this positive discovery, there will be but one course left ; that of boldly denying the very existence of these ruins, which my companions and myself have twice visited and examined, especially the second time, with the greatest care. I expect to encounter this denial ; but, undue modesty apart, I declare that I rest greater confidence in an examination made by myself, minutely and at full leisure, in company with four Frenchmen sufficiently intelligent to discern ruins (where ruins actually exist ; and which the Arabs who accompanied us—and with whom, from my knowledge of their language, I was enabled to keep up constant conversation—pointed out to me under the very significant name of Kharbet-Esdoum), than in any contradictory observation, perhaps rather hastily made and with preconceived convictions ; such for instance as the impossibility of finding Zoar on the western shore of the Dead Sea. I have superabundantly demonstrated that this last opinion is in flagrant opposition to the text of the Holy Scriptures ; it is therefore quite clear that any conclusion resting more or less upon so mistaken a conception must be steadily rejected, and cast aside as a dangerous fallacy.

"Let us now return to the subject. Sodom was situated at the south-western point of the Dead Sea : the salt mountain is called Sodom by Galen. Sodom was therefore on the very same spot with the salt mountain. This mountain is called by the Arabs, indifferently, Djebel-el-Melehi or Djebel-Esdoum, the latter expression being also that of Galen. Thus, then, if on the very situation of the salt mountain we fall in with the ruins of a town, there is every probability that these are the ruins of Sodom ; and this probability becomes an undeniable evidence, if the inhabitants of the country unanimously agree in giving to these ruins the name of Kharbet-Esdoum (ruins of Sodom), and in attaching to them the traditional history of the town, destroyed under the curse. All these conditions being strictly fulfilled, it is not possible to refuse credence the fact that these ruins of a town, called Sodom, are really the ruins of the Sodom mentioned in the Bible."—vol. i. pp. 471—473.

We may relieve the tedium of these dry details by a short but graphic description of a storm which M. de Sauley encountered in this scene of desolation.

"During our march through the Ouad-ez-Zouera, and when we had attained a point above the level of the Dead Sea, sufficiently

elevated, we were singularly fortunate in being present at a spectacle few men can hope to witness twice in their lives, and which demands a passing comment. We may almost say that we saw the catastrophe of the Pentapolis, and are still under the strong impression of the scene that we gazed on with the most intense excitement.

"As we were laboriously pursuing our way between the Djebel-Esdoum and the sea, a storm, that had come down from the mountains of Chanâan, burst exactly over the Asphaltitic Lake, at about the meridian of Masada and of the peninsula of El-Lisan. Dark-gray clouds had united the sea and sky, concealing in utter darkness all the northern part of this deep valley. Suddenly, a splendid rainbow, of dazzling brightness and richly variegated colours, appeared to form a gigantic archway, thrown by the hand of the Almighty between the two opposite shores of the Dead Sea. The reader may fancy how much we were moved by the magnificence of this natural phenomenon; but it was nothing compared with what was reserved for us towards the end of the same day.

"When we began ascending the first acclivities of the Ouad-ez-Zouera, large black clouds, driven by the westerly wind, passing above our heads and over the Djebel-Esdoum, rushed down upon the Dead Sea, in the direction of the Rhôr-Safieh, then rising again along the flank of the mountains of Moab, soon cleared the view and allowed us to contemplate the expanse of water, resembling a vast motionless sheet of molten lead. By degrees, as the storm hurried toward the east, the western sky became again pure and radiant; then for a moment, the setting sun darted above the mountains of Canâan fiery rays, which seemed almost to cover the summits of the land of Moab with the flames of an enormous conflagration, while the bases of those imposing mountains remained as black as ink. Above was the dark lowering sky; below, the sea, like a metallic sheet of dull leaden gray; around us, the silence of the desert, and utter desolation. Afar off, in the west, a bright, cloudless sky, shining over a blessed land, whilst we seemed to be flying from a country condemned for ever.

"It is impossible to describe this scene, which, to be fully understood and felt, must have been witnessed. Our Bedouins, themselves, though accustomed to the grandest operations of Nature, participated in the sensations by which we were completely mastered. 'Chouf, ia-sidy,' they exclaimed to me; 'chouf! Allah yedrob Esdoum!' ('See, sir, see! Allah is smiting Sodom!') and they were right. The tremendous spectacle which was witnessed by Lot, from nearly the same spot where we were now standing, must have borne a striking resemblance to the magnificent repetition with which we had just been favoured by the same presiding Providence."—vol. i. pp. 526—528.

There seems to be a mystery in the vegetable life of this

strange land, scarcely less wonderful than the desolation which pervades it.

"On this plain, which scarcely exhibits a blade of grass, I perceive from my saddle a kind of flower, having some resemblance to a large, dried, Easter daisy (*Pâquerette*); it is quite open, well displayed upon the soil, and looks as if it was alive. On alighting to examine it more closely, I distinguish a plant of the radiated family, but without leaves or petals; in a word, the plant is quite dead; how long it has remained in this state, it is impossible to guess. It retains a kind of fantastic existence. I gather a few samples, which I place in my holsters, these having for a long time ceased to be a receptacle for fire-arms, and being daily crammed with stones and plants.

"Another word respecting this extraordinary plant. In the evening, when I happened to empty my holsters, I was quite surprised to find the dead flowers closed up, and as dry and hard as if they were made of wood. I then recognised a small flower, with a long tap-root, which I had never seen alive, but had already picked up at the place where we halted to breakfast on our descent to Aÿn-Djedy. What prevented me from ascertaining this identity at first sight was, that one sample was gathered in a state of moisture, while the other had been picked up perfectly dry. It was then quite clear that this ligneous and exceedingly tough vegetable possessed peculiar properties, which developed themselves hygrometrically, with the corresponding changes of the soil and atmosphere. I immediately tried the experiment, and discovered that the Kaff-Maryam, the Rose of Jericho of the pilgrims (*Anastatica hierichuntica*) so celebrated for the same faculty, was not to be compared to my recent discovery. A Kaff-Maryam, placed in water, takes an hour and a half before it is entirely open; whilst in the case of my little flower, I watched it visibly expanding, and, without exaggeration, the change was complete in less than three minutes.

"I then recollected the heraldic bearing called the Rose of Jericho, which is emblazoned on some escutcheons, dating from the time of the Crusades; and I became convinced that I had discovered the real Rose of Jericho, long lost sight of after the fall of the Latin kingdom of Jerusalem, and replaced by the *Anastatica*, or Kaff-Maryam; which a Mussulman tradition, excepted by Christians, pointed out to the piety of the early pilgrims, who inquired from the inhabitants of the country what was the plant of the plain of Jericho that never died, and came to life again as soon as it was dipped in water.

"Under any circumstances, this singular hygrometric vegetable constitutes an entirely new genus for botanists, judging by what we know of it, that is to say, by its skeleton. My friend, the Abbe Michon, has undertaken to describe this curious plant, and

has paid me the compliment of naming it *Saulcy hierichuntica*."—vol. i. pp. 533—535.

At the close of January, M. de Saulcy returned to Jerusalem, whence, after a brief sojourn, he again set out, Feb. 5th, to continue his exploration of the Dead Sea. His route on this occasion was almost due west, by the way of Jericho, thence he proceeded westwards till he reached the Jordan at Jasn Hadjilah, whence he returned southwards, falling in with the Dead Sea once more, at the extreme northern point, Redjom Looth (Lot's heap of stones). From this place he followed the line of coast southwards, as far as the Cedron, where his first survey had commenced; and, retracing his steps as far as Ayn Feckhah (which, although without any very decisive arguments, he considers to be identical with the Pishgah—in the vulgate Phasga—of the Bible), he there turned aside on his homeward track to Jerusalem. It is upon this portion of the route, the Rharbet Goumran, that M. de Saulcy fixes the site of the ancient Gomorrah. The argument which he adduces for this opinion is obscure and unsatisfactory, nor does our space permit us to enter fully into the question; but one of the remains which he encountered upon his route at El Hadjir Lashah, if his conjecture regarding it be well founded, would furnish matter for much speculation. A number of isolated rocks, placed so as to form a segment of a circle, present, in his opinion, all the appearance of the Celtic *cromlech*, the specimens of which are familiar, not only in these countries, but also in Brittany and the Channel Islands. Even from his own account, however, it would seem very doubtful whether this is to be considered as a genuine specimen. The stones appear to be but four in number; they form at best only a segment of a circle; and it would even appear that he entertained some doubt whether they were set on their places by human hand. Still the enquiry is a very interesting one, and may form the groundwork of a novel and curious enquiry.

M. de Saulcy devoted himself during his stay in Jerusalem chiefly to the examination of the antiquities of the earliest period. His account of the present condition of the remains of Solomon's Temple contains some novelty; and his exploration of the *Qbour-el Mooluk* (Tombs of the Kings), appears to have been conducted with great

zeal and minuteness. The entrance to this structure was very curiously contrived.

"This entrance, now free and open, was formerly concealed with great care, as the reader will judge by the following description of the rather intricate apparatus, intended to disguise the door. A stone discus of considerable thickness, running in a circular trench, rested exactly against the gap, and this heavy stone could not be moved, on the inclined plane produced by the stone groove, into which it was fixed, excepting by means of a lever pressing from right to left, to open the door, and from left to right when it was intended to close it again. To execute this double movement it was necessary to reach the discus by a straight corridor, with the entrance usually closed by an enormous stone, the side jambs of which are still in good preservation. This corridor ended on one side, exactly at the entrance door, and on the other at a large well, now nearly filled up with rubbish. It clearly appears from the plan that the moment the stone lid was taken out of the groove, in which it was retained, the corridor became accessible; as also by means of a lever resting its fulcrum on the very edge of the stone rail, to haul up the discus, which was then forced to move up towards the left of the doorway, along the inclined plane of the circular groove. But to enable the discus to go up, it was absolutely necessary to remove a second flag-stone, not so thick as the first, with its grooves parallel to the wall in which the doorway is opened. As soon as the closing discus was thus taken over to the left-hand side, and strongly wedged up, the passage was free.

"To replace the discus in its original position, it was necessary to penetrate into a second corridor, hewn under the rock, and intersecting the first at right angles, almost directly against the brink of the well. This auxiliary corridor turned suddenly by a square elbow, towards the partition wall of the porch, and led in a parallel line with the first straight corridor, to a spot where the lever, when applied to the left-hand side of the discus, forced it to descend again, and resume the position in which it was necessary it should remain to close up the opening.

"All these arrangements, which appear until now to have escaped notice, are still quite untouched; only the two sliding flag-stones have disappeared, and the discus has not retained a strictly vertical position, proper care not having been taken in removing and wedging it. With these exceptions, the whole of this closing apparatus is exactly in the same state in which it was left by the consummate architect by whom it was originally conceived.

"But we have still to mention the plan of closing up with regard to the interior.

"In a large groove in the wall, a massive stone gate was hermetically fitted, with double hinges, constructed in the mass, and so arranged, that it was possible to set the gate easily in motion by a

pressure from the outside ; whilst the sockets were so contrived, that the gate, when left to itself, was sure to fall back again by its own weight into the groove in which, as I have already said, it was exactly fitted, and in such manner, that any person shut in behind would be totally unable to move it."—Vol. ii. pp. 138—140.

We regret that it is impossible for us to enter into the long and learned line of argument by which he endeavours not only to establish the general fact that these vaults are the remains of the tombs of the early kings of Judah, but even to identify the particular resting-places of the individual monarchs. Passing successively under review the claims of the Asmonean princes, of Alexander Jannæus, of Herod, and of Queen Helena of Adiabene, he shows from such records of their interment as are deducible from Josephus and other authorities, that these monuments cannot with the least probability be assigned to any of them. Dr. Robinson has expressed a decided opinion in favour of the claim of Queen Helena of Adiabene and her son Izates, who had distributed a supply of wheat to the citizens during a time of famine ; but M. de Saulcy shows very clearly by several passages of Josephus, and by the authority of Pausanias and of St. Jerome, that the mausoleum of Helena was distant three stadia from the city, and in a locality the description of which is altogether irreconcilable with the actual site of the existing ruins. What is more, he has satisfactorily identified the remains of this mausoleum, which Josephus describes as "surmounted by three pyramids," in the very situation pointed to by him and by the other early authorities. But, when he comes to the positive branch of the enquiry, his arguments can hardly be said to go beyond the line of probability ; and, gladly as we should recognize in the fragments of the richly-sculptured slab which he obtained from one of the vaults, and has transported to the museum of the Louvre, the actual coverlid of the sarcophagus of the Royal Psalmist, we cannot help hesitating to yield our absolute assent to the arguments by which he seeks to establish the identity of a relic so perishable. We must not, however, withhold from him the praise of much ingenuity and learning ; and we think the general argument by which he seeks to show that the tombs in question once contained the ashes of the royal race of Judah, not alone ingenious, but highly probable.

We have already said that M. de Saulcy appears to

have paid but little attention to the monuments of Christian history in Jerusalem. There is, however, one very interesting exception, which we cannot deny ourselves the gratification of transcribing; the more so as the discovery to which it relates was the result of an accident which occurred during his residence in Jerusalem. Owing to a long continuance of heavy rains and most destructive floods, above forty houses fell to the ground, but at the same time was effected another demolition, the result of which M. de Saulcy describes.

"During our two first sojourns in Jerusalem, I had, of course, often traversed the *Via Dolorosa* (the name of the street leading to the Bab-Setty-Maryam) on my way to the valley of Jehoshaphat, there to examine at leisure the monuments and curious relics which abound in that direction. I felt strangely disappointed on being shown for the first time, as the arcade of the *Ecce Homo*, a gate under which the public road passes. This gate, surmounted by two small square windows, evidently of recent construction, had been rendered nearly ogival by a coarse Turkish plastering which completely covers it. I thought myself quite justified in rejecting the Christian tradition, and in contradicting the identification of this arcade, so apparently modern, with the arcade of the *Ecce Homo*.

"I had fully made up my mind not to bestow any portion of my time upon this gate, and not even to mention it in my diary, when the tremendous event of the beginning of February, which caused nearly forty houses to fall in, in the different quarters of the city, enabled me to alter my opinions in this respect. One evening when we had resolutely ventured through the rain to spend a few hours with our friend M. Botta, just as our attendants were lighting their torches, to conduct us back to the *Casa-Nuova*, a noise like a heavy rolling was heard in the distance, precisely in the direction of the *Via Dolorosa*. 'Another house tumbling down!' observed our people, and we returned quietly home, without bestowing any more attention upon an accident, which, for the last few days, had been so often repeated, that we had become proof against the natural emotion which it would otherwise have inspired.

"The next morning, as I was proceeding to the tombs in the valley, to prosecute my researches, I was much surprised to find the *Via Dolorosa* encumbered for a space of twenty yards before reaching the arcade of the *Ecce Homo*; the left side wall resting upon this arcade had fallen on the preceding evening, tearing along with it the thick covering of plaster under which the original face had been buried. When thus disengaged from its modern coating, the arcade immediately resumed its real character, a character which it was impossible to mistake. I then found myself in front of a fine

circularly arched gate, dating positively from the early empire, and constructed in very superior style, of huge blocks, similar to those forming the ancient wall, which is to be seen a little beyond, and still to the left, of the Via Dolorosa, under a long vault with a single opening, for the purpose of giving light to a small Mussulman burying-ground. This wall, which is also somewhat similar in point of style to that which surrounds, near the Holy Sepulchre, the ancient hospital of the Knights Templars, is considered by tradition as one of the walls of the palace of Pilate. I do not intend to inquire what this tradition may be worth; but this I can positively assert, that a wall of this kind is of the highest antiquity.

"Let us return to the arcade of the *Ecce Homo*. The Roman gate, the existence of which had just been revealed to me by a providential accident, was then connected with the wall of Pilate's palace, and this palace, at the spot where its remains are visible, was evidently in contact with the Antonia tower. The double tradition thus became at once, in my opinion, a very admissible one. From that moment I have ceased to entertain the slightest doubt, and unless the contrary shall be proved to me, I now firmly believe, and shall continue in the belief, that the arcade of the *Ecce Homo* is legitimately entitled to that name.

"As I naturally could not give up the work I was already engaged in, and as the term of our stay in Jerusalem was at hand, for we were only waiting for a gleam of the sun to resume our journey, my friend, the Abbé Michon, was kind enough to undertake the drawing of the arcade of the *Ecce Homo*, and owing to his kind assistance, I am now able to publish a correct plan of this gate so eminently interesting.

"As I have already said, it is a semi-circular arch of eighteen feet in diameter, and consequently has a radius of nine feet. A simple arched vault, the moulding of which is formed of a narrow fillet, a wide ogee, and a plat-band of the same breadth, ornaments the arcade, and falls upon a cornice formed of two fillets divided by an ogee. The crumbling down of the facing had brought into light a semi-circular arched niche contrived in the pier, and about four feet high, by sixteen inches broad. The centre of this niche rests upon two jutting portions of cornice, forming a console of the same profile as that which supports the foot of the great arch. And, lastly, the depth of the arcade in a line parallel with the axis of the street is seven feet and a half. The gate is, as I have already said, crowned by a miserable modern construction, and all the portion on the right hand is mixed up in the walls of a small abandoned Christian church. With regard to the posterior face, unfortunately it had not been disengaged by the fall which had carried away the outward coating of the front.

"St. John, in chap. xix. of his gospel, when relating the cruel scene of which this arcade was the theatre, merely says that Pilate went forth outside (*ἐξῆλθεν πάλιν ἔξω*) with Christ, to say to the

crowd, *ἰδε ὁ ἀνθρώπος, Ecce homo*, 'Behold the man!' (verse 5). In verse 14, the evangelist makes use of the word *βῆμα*, gallery, to designate the place upon which Christ was led, for the second time, by Pilate, who, by showing him to the Jews in the dreadful state to which the tortures he had already endured had reduced him, hoped to awaken in them some feeling of compassion. This gallery was situated in the place called *λιθόστρωτος* (the mosaic pavement), and in Hebrew, *γαββαθā* (most probably from the word *גב*, plural *גבות*, meaning *arch*). It is very possible that the arch in question, belonging to the palace of Pilate, answered in effect the purpose of a gallery, or tribune, on the occasions when the Roman governor had to harangue the people. However it may be, I maintain that the arcade of the *Ecce Homo* is contemporary with the events of our Lord's Passion."—Vol. ii. pp. 325—329.

In the end of February, M. de Saulcy set out anew from Jerusalem, through Samaria and Galilee, visiting in his route the remains of the ancient Samaritan temple of Gerizim, the much-disputed site of the celebrated Cana of Galilee, Nazareth, the lake of Genesareth, Tiberias, Capharnaum, Chorazain, and Bethsaida, and, after a tour to Baalbec, returning by Mount Lebanon to Beyrout, where he embarked on his homeward voyage.

His account of the ruins which he identifies as the Samaritan temple of Gerizim, although not very detailed, is yet too interesting to be passed over.

"Let us now examine the ruins still remaining on the summit of the Gerizim. To the south of the large inclosure, and seventy-five yards distant from the foot, towards the south-eastern angle, is a platform of rock facing to the west, and surrounded by foundations of walls, by which it must have been inclosed. The outline of this platform is not regular. To the eastward it presents a rectilinear face eleven yards in length, and to the southward another rectilinear face, of the same extent. From the extremity of this last face commences another, only six yards long, turned north-north-west, and ending in an orifice opening on a deep ditch, or kind of well hewn in the rock. This orifice is merely a large chink or cleft, a little more than one yard long, and parallel to that face of the platform which looks towards the east. From the extremity of the opening, an irregularly curved line, of about fifteen yards, joins the first face we have mentioned. But it is easy to discern that the original plan of the platform was a polygon, formed of three long sides, perpendicular to each other, and each eleven yards long, to which were joined two smaller sides of six yards each, ending at the orifice of the well.

"The platform which I have so minutely described is the true altar of the Samaritans. Here the victims were slaughtered, and

the blood of the sacrifices ran into this well."—Vol. ii. pp. 364—365.

At the distance of about a hundred and fifty yards from this "platform of sacrifice" stands a singular structure, built upon the rock. The walls are four feet thick, and constructed of huge blocks: they "form a square of from thirty to thirty-six feet on each side, on the northern side of which rests an elliptical apsis thirty feet in depth." But M. de Saulcy's attention was chiefly directed to the great enclosure, which he feels satisfied must have been the original temple "built by Sanballat, by permission of Alexander the Great," although Dr. Robinson is of opinion that it was a fortress, and bears marks of Roman origin.*

"The plan of the principal enclosure is a quadrilateral figure, having square projections at each angle, jutting out five feet and a half on the faces. These faces are of different dimensions; for instance, if you include the salient portions, the two northern and southern sides are seventy-nine yards in extent, while the two opposite faces are only sixty-four and a half. These salient buildings were probably square towers. About the middle of the southern face another projection occurs, exactly similar to those of the angles, eight yards in extent on each side, and standing out in advance five feet and a half. All the principal walls are four feet thick. The western face has no projection in the centre, but only at the angles; the eastern face presents an entirely flat surface. The salient work on the north eastern angle has been transformed into the Mussulman oqualy, bearing the name of Ech-Cheikh-Rhanem.

"In the middle of the northern face, and precisely in the axis of the inclosure, a gate is constructed, seventeen feet and a half in width. This opening had on the outside two square projecting pilasters, rather more than five feet wide, as far as it is possible to judge by the base of that on the left, which is still standing in its original position. This gate has been walled up at a later period, and the foundation of the closing wall still remains. To the right and left of this principal entrance, and within the inclosure, stood two massive pavilions, forming lodges, measuring seventeen feet and a half on each side, the walls being also four feet thick. There are also in the interior, resting against the walls of the inclosure, many chambers erected at different periods, as may be judged by the difference in thickness of their various walls. In the most ancient rooms, which are nearly all against the southern face, the walls are equally four feet thick, and these unquestionably form a part of the original disposition of the building.

* Biblical Researches in Palestine, vol. iii. p. 124.

"In the centre of the enclosed platform stood an edifice, the inside of which was octagonal, and its entrance corresponded exactly with the principal gate of the inclosure. On the sides of the polygon adjacent to the entrance face, where buildings resembling chapels, having each two small circular apses at their extremities; the doors of these chapels opened towards the interior of the octagonal building. The two sides parallel to the general axis served as supports to two very large circular apses. The two following sides, (as far as can be guessed in the reconstruction of a general plan from such perceptible fragments as are still remaining) including other chapels, such as those named before, having two small apses; and, lastly, the end face, parallel to the entrance, must have again formed one circular apsis. This alternate arrangement is exceedingly curious, and bears a strange analogy with the plan of the Phœnician temple of Krendi, at Malta, and with that of the Giganteja, at Gozo.

"Our guide, on bringing us to the place where the octagon stood which I have described, said:—'This is the Kiblah of the Samaritans.' (Kiblah is a place for offering up private prayer, both in the mosque of Jerusalem and in that of Mecca).

"Without the northern face another inclosing wall, of the same period, rests against the projecting part of the north western angle, and extends in a straight line over a space of fifty-two yards, not including the salient portion of the principal inclosure with which this part of the wall is connected. To its other extremity, is attached a quadrangular tower, seventeen feet in length, inside the walls, in the direction of its northern and southern faces, and only ten feet, in the direction of the two other faces. Beginning from the north-eastern angle of this tower, the wall, which prolongs its northern face, extends in a parallel line with the entrance face of the principal inclosure, over a distance of forty-one yards. There is situated, jutting out five feet and a half, a square tower of rather more than twenty-six feet on each side. Beyond this tower the same wall continues to a distance of twenty-two yards and a half; then it turns abruptly, and crowning the eastern cliffs of the platform of the mountain, bends by an oblique branch forty-three yards long, towards the northern flank of the fore-part containing the oval of the Scheikh-Rhanem, which it meets on the north-eastern angle, leaving it a projection of four feet.

"From the south-eastern angle of the square tower, placed towards the middle of the great northern branch just described, there ran an oblique wall, of which very few portions only are now remaining; and this oblique wall, towards its centre, turned eastward again in a direction nearly perpendicular to the northern face of the principal inclosure, so as to join it a few yards to the left of the grand entrance. From the corner spot where the oblique wall turns eastward, another wall branched off to meet the eastern face of the second inclosure, five yards to the north of the oval Ech-

cheikh-Rhanem. All these walls are of equal thickness, as nearly as possible four feet.

"In the empty space comprised between the northern face of the principal inclosure and the second exterior inclosure, which space is chiefly occupied by a Mussulman burying ground, and twenty-two yards in front, or rather to the north of this burying-ground, is a magnificent pool, now dry, thirty-five yards long, by somewhat more than eighteen yards wide. The walls of this piscina, like all the other walls of the original monument, are four feet thick. It rests against the western wall of the inclosure. An external wall, the foundations of which only are remaining, unites the southern face of the piscina with the northern face of the principal inclosure, at a distance of fourteen yards from the north-western angle of the latter. This external wall was three feet three inches thick. At a distance of thirteen yards to the left, or eastward, are the foundations of two parallel walls three feet thick, with a passage between them three feet and a half wide. The traces of these two walls cease suddenly at a distance of fifteen yards from the pool.

"In the northern wall of the pool, at a distance of seven yards from its north-western angle, is a niche admirably carved, and denoting superior skill in the art of stone-cutting. This might have been an issue by which the overflow of the piscina could be emptied into a well, situated three yards to the right of, and at a distance of four yards from, the above-mentioned niche."—Vol. ii. pp. 367—371.

M. de Saulcy, also, on the question of the site of Cana, dissents very strongly also from Dr. Robinson, of whom he says with great justice, that "any Roman Catholic tradition, which he calls monkish, is instinctively a subject of stern suspicion to him." Opinion on this subject is divided between two places, Kana-el-Djabil, and Kafr-Kanna. Dr. Robinson (who, it should be observed, did not visit the spot, but merely had it pointed out from the height of Maby-Sayn, "in the extreme distance, almost as far as the horizon,") pronounces against the tradition in accordance with which a church has been built at Kafr-Kenna to commemorate our Lord's first miracle. M. de Saulcy discusses the question very fully; and, we think, has very clearly shown, that the probability, as deduced not only from the circumstances of the locality, but also from the authority of the early writers who refer to the subject, is all on the side of the ecclesiastical tradition. Dr. Robinson appears to have been misled partly by the statements of his guide, and still more by the name *Kana-el-Djabil* (the illustrious) which he falsely translated

"of Galilee." We need hardly say how liable the imagination of an antiquary is to such misconceptions; and how often the blunt matter-of-fact narrative of some local Edie Ochiltree has dissipated in a moment the airy structure which the ingenious conjecture of a learned but over-enthusiastic explorer had contrived to raise. M. de Sauley himself encountered more than one such amusing disappointment.

"The valley we enter, on leaving Beit Djenn, has still a wintry look; the vegetation is by no means advanced, and resembles that of the north of France, at the same season. We are marching in the direction of Kafr-Haouar, a village which I have the greatest impatience to reach. Zimmermann's map marks, by the side of this village, a spot, bearing the name of "Nimroud's tomb." Shall I find there an Assyrian monument? I cannot say; but I have some hopes of making an interesting discovery, and enjoy it by anticipation. Alas! I was right not to postpone my satisfaction until I had seen this tomb of Nimroud. After two good hours' march, we descry at last Kafr-Haouar; my eyes search the surrounding landscape; and as I happen to perceive, on a hill behind the village, a kind of square building which does not look like an ordinary Arab's house, I say to myself, 'there is, no doubt, concealed the tomb of Nimroud.' Hereupon my guides, who have entered into conversation with some of the inhabitants of the village, busy at their work, suddenly desire me to stop before two large square blocks taken from some ancient structure, and thrown at random in the middle of a field, three or four hundred yards distant from the village, and tell me: 'This is the Qobr-Nimroud.' At first I refuse to believe them, and myself question the husbandmen, who are all unanimous in assuring me, this is really the Qobr-Nimroud! A lamentable fall from my towering hopes! 'But then,' I say to them, 'what is that building yonder?' And I point to the structure upon which I had founded my dearest expectations. 'That?' they answer, 'that is merely a barn.'—The deuce take you with your barn! I mutter contemptuously, and ride off, vociferating against Nimroud and Kafr-Haouar, and not forgetting Zimmermann, who had led me into this archæological disappointment."—Vol. ii. pp. 553—554.

The latter part of M. de Sauley's travel, being along the beaten track which every visitor to the East is wont to tread, presents but few points of interest. We shall only stop to extract one single passage for the sake of the curious, and, as far as we know, novel, biblical illustration which it contains. It is from the notes of his sojourn at Damascus.

"M. de Ségur, desirous of showing us the superior residences of Damascus, took us to the houses of two rich Hebrew merchants, placed under the protection of France. These are MM. Stambouly and Sakaim, who entertained us with the most studied politeness. In each family, handsome young women, and amongst the number, Mlles. Sammah and Rifkah, whose names I have noted down, as belonging to two lovely creatures, hasten to present us lemonade, sweetmeats, coffee, and tchibouks, which it would be impossible to refuse. After our third visit, we are so distressed with these kind offerings, that we internally denounce the routine of etiquette and ceremony.

"A word respecting these ladies. All of them, when they have to make a single step, clamber up on the top of wooden pattens, formed of a sole fixed upon two boards, a foot in height. I cannot imagine how they can contrive to walk in these inconceivable appendages on the slippery flag-stones of their courts and chambers. Besides the ungraceful and disproportioned height, they produce an incessant clattering of hard wood against the stone, which is anything but agreeable. The eye-brows which Providence has given them they consider unworthy, for they shave them with the greatest solicitude, and replace them by artificial lines fantastically curved, and the more intensely black from being entirely painted. For myself, I infinitely prefer what nature has endowed them with. Hair is an ornament which young maidens alone are allowed to exhibit. As soon as they are married, the hair is closely cut off, the little that remains carefully concealed, and in its stead matrons carry on their heads towers of black ostrich feathers. This is as unbecoming a decoration as can possibly be imagined. Let us hope, for the sake of the fair Damasquines, that these absurd fashions will soon be abolished.

"Whilst speaking of fashions, I must not forget to mention one, which is universal among the native females; and which shows itself everywhere, as you approach Damascus. This fashion is by no means a new one, since it can be traced back to the most remote antiquity. I mean a small gold button, often ornamented with a turquoise, and which females insert into their nostrils in imitation of a shirt-button. We learn something on this subject from the Bible, when Abraham's servant was sent into Mesopotamia, to seek a wife for Isaac, the son of his master.....Cohen translates the passage as follows: 'I then put a ring to her face and bracelets to her hands.' The Hebrew text says literally, 'I put the *nezem* to her nose, and the bracelets to her hands.' This word *nezem*, has already been translated by Mendelsohn, *nose bob*, although the Septuagint had rendered it *ear-drops*. In the 22nd verse of the same chapter, it is said: 'And it came to pass, as the camels had done drinking, that the man took a golden ear-ring of half a shekel weight, and two bracelets for her hands of ten shekels weight of gold.' The Samaritan text, after the mention of the first ornament,

adds, *and he put it to her nose*. Any traveller who has passed through the villages in the neighbourhood of Damascus or Bâalbek, can have no doubt as to the meaning of these two verses; the ornament in question is unquestionably the same which the females still wear appended to their noses, and has no resemblance either to a ring or a drop, but is a real button."—Vol. ii. pp. 573—575.

The novelty of M. de Saulcy's subject has tempted us into borrowing more largely from his pages than is our wont, and than may perhaps seem warranted by the absolute value of the information which he has collected. His visit was too hurried to permit, in all cases, such careful and detailed investigation as the interesting remains that came under his notice deserve. If it should appear to any one that in many parts his narrative is rather to be regarded as an itinerary, enumerating and briefly sketching the objects and places of interest which he saw, than a descriptive handbook, leaving nothing to be learned by the personal research of the traveller who may follow in his footsteps, it must be remembered that the ground which he traversed was in a great measure new, and that the difficulties and perils which beset a new route in such a country as Palestine, offer an effectual bar to the quiet and self-possession which are indispensable to every satisfactory scientific enquiry. He himself makes no secret of his consciousness that he has left much undone, and even that what he has done is often hasty and superficial. One important branch of the subject he has passed by altogether; and in others he has done little more than indicate the objects of interest and the sources of information.

But his book at least serves to show that our knowledge of a large proportion of these interesting regions is still exceedingly defective; and that even the portion with which we are supposed to be most familiar, may yet be revisited with infinite advantage to biblical science by an unprejudiced enquirer. The shores of the Dead Sea, the whole district of the ancient Pentapolis, the plain of Moab, and the region which lies upon its northern frontier, are full of objects of the deepest interest. The unexampled successes of the Assyrian explorers teach us encouragingly what rewards await zealous and well-directed enterprise; and the new lights which have been thus thrown *from without* on the Jewish annals, by the discovery of the monuments of contemporaneous Gentile history, make a more careful examination of the *Judaic*

antiquities themselves indispensable to a proper estimate of their bearing upon each other. Explorations in these wild and barbarous lands, in order to be successful, must not be left to individuals, but should be conducted upon a large scale; and we are not without hopes that the example of the "Assyrian Excavation Society," which has just been organized with especial reference to Bible History, may tend to direct enterprise towards the more direct, and we doubt not more useful field which M. de Sauley has opened, but in which so much still remains to be accomplished.

ART.—V. *The Law of England with relation to Moral Theology—
The Law Reports of 1853.*

OUR readers may be somewhat surprised at first sight to see such a title—or at all events such a text, and perhaps may feel sceptical as to the sort of entertainment to be supplied to them; but the title may serve to explain the text; and they will easily conjecture that it is our intention to consider the law of England, (of course not systematically, or completely, but in some of the most curious and most common, or most salient points) with reference to its character, as compared with the moral law of the Church, or to its practical bearing on the actual administration of that law. It is rather, however, to the *latter* part of the subject that we propose on this occasion to advert; and we may introduce it by an incident, which will illustrate at once its nature and its interest. Some short time since, a worthy priest, of our acquaintance, put to us this case. A poor girl, a penitent of his, had found some money secreted in the floor of a house in which she was servant, and had honestly informed him of the fact, and craved his advice. He had, under the circumstances, desired her to retain it, but not to spend it; and she had so preserved it for twelve months without any enquiry being made about it. He was uncertain whether he should authorize her now to deem it as her own, and was much edified to be informed by the writer of this article, a barrister, that the

law of England, under the circumstances, (which of course were more specially explained to him) not only sanctioned the girl's retaining the money as her own, but prevented any other person (except the true owner, who in this case could not be discovered) from asserting any right to it, it having lately been decided that in such a case the finder, not the owner of the house, (unless also the owner of the money,) is entitled to it. This is only an instance among many which are of constant occurrence; and in which it is at once a matter of importance, and almost of impossibility that the priest should know the law of England, on the point, which, of course, in questions of property and civil right, where it is not at variance with the law of the Church would decide them; and it is not only on questions of right, but of restitution—as to the degree of legal damage, and the amount of reparation, on which, ascertaining the principles of English law, would be useful if not essential. We have been led, indeed, to the consideration of the question by the representation of various priests, who often found in the discharge of their duties as confessors, great difficulty in this way. And as the subject is novel, and unfortunately in this country original, and the illustrations are drawn from affairs of real life, it will be probably of not less interest to laymen than to priests.

The law of England was originally founded on the moral theology of the Church. This can be proved from the Anglo-Saxon laws, which Coke calls the sources of our common law: and which were only to affix temporal penalties to the spiritual law. A curious trace of this is to be found in that ancient book, the *Mirror of Justice*, written in the age of Alfred, and in which the terms of moral theology, “mortal and venial,” are applied to all “trespasses,” or wrongs civil or criminal. Indeed, the distinctions between these two jurisdictions was hardly known then: and wrongs were deemed to differ only in *degree*, so that a wrongful distress was spoken of as a “robbery,” and in point of moral turpitude, it *might* be worse than many a robbery; so that this suggests at the outset a point of difference between the law of the Church, and the modern secular law, which arbitrarily divides wrongs into two distinct classes, punishing one criminally and the other only redressing *civilly*. By degrees, however, the secular law divaricated from the sacred, and imbibed different principles. Indeed, from the first, the *criminal* law of this

country was exceedingly severe,—save for the controlling power of the Church, it always was sanguinary ; and as that controlling power lessened, became more and more so.

The moral law of the Church was of course founded on the law of Holy Scripture, and in the Mosaic economy were amply enough of correct principles, whence to deduce a complete system of moral theology, so far the duties of justice are concerned. It has happened within our own knowledge, that a party in an English court of justice, has appealed to the law of Moses, and with success ; the judge recognizing that as the law of England professes to be founded on the Scriptures, he could not discard their authority. On this principle Alfred headed his code of laws by a careful digest of the moral laws of Moses. Our readers are aware that the Mosaic law visited theft only with an obligation to restore fourfold, and acted upon the strictest principle of restitution, even in cases of personal violence, an eye for an eye, a tooth for a tooth. And so it was with our Anglo-Saxon laws, which, however, under the milder influences of Christianity, permitted such crimes to be compensated by pecuniary penalties, (or “*bōt*,” as it was called,) which of course were certain to be raised if not by the criminal, by the charitable, unless he were a hardened reprobate. In after-times, when the law of England became more cruel, this principle was discarded, and blood was rigidly expiated by blood, every violence, or even robbery, incurring loss of life. The Church adopted another expedient to spare human life, and introduce the curious system under which she claimed any criminal who could *read*, for the purpose of conferring on him (inferior grades of course) holy orders. This was called “*privilege of clergy*,” and although in general the bishop claimed the prisoner, yet it was afterwards settled that the criminal could claim his privilege, even at the gallows. The cases under this law were curious, and it was not abolished until the reign of George III., so recently as the reign of Anne, an act of parliament having passed to amend and regulate it.*

* Anciently the bishop had the exclusive judgment as to the competency or incompetency of the clerk, but afterwards the judges assumed to have the final determination, though the bishop was always the minister of the court for the purpose. If the bishop challenged one as “*clerk*,” whom the court judged not to be so,

The criminal law of England entirely altered its character after the Church lost her influence, and became one of the most sanguinary that ever existed. And notwithstanding all the humane labours of Romilly and Peel, although men are no longer hanged as they have been, by thousands, for stealing a sheep, or forging a five-pound note—the English criminal law still, in a great degree, retains its severe character. Theft is punishable by the living death of transportation,* the infliction of which, has in some cases, (as in a horrible instance mentioned by Digby) actually resulted in death.† And in these enlightened days, at the very time when the legislature was repealing some cruel laws it was enacting others, and by statutes so recent as the present and preceding reigns, stealing, above the value of ten shillings, articles in process of manufacture, or in or near docks, &c., is punishable by transportation for fifteen years; and killing a sheep, or pig, with intent to steal the carcase, (which in substance is only stealing) is also punishable by transportation; under which cruel law one

the bishop was fined and the felon hung. Year Book, 7. Henry IV. and Edward IV. The old practice was for the book to be given to the criminal by the court, who also appointed the verse to be read, which, if he could read, judgment of "*legit*" was entered, and he was discharged; but if *non legit*, he was hung. In the reign of Edward IV. occurred a case in which the prisoner read very well, but the bishop, by some mistake, gave judgment "*non legit*," and the court cruelly hung him. Year Book, 21. Edward 4, 21. If when he first claimed his privilege, he could not read, and he happened to be remanded to another session, and by that time to have learnt, he was entitled to be admitted to the privilege; and so if even he learnt to read after judgment of death, when the privilege was claimed and allowed, he was committed to the bishop's custody until he had "*purged*" himself to that bishop's satisfaction, (i. e. given signs of penitence,) and if he failed to do so he was retained in such custody for life. In more modern times, however, he was discharged, being burnt in the hand. See Hale's Pleas of the Crown, vol. ii. c. 55.

* Under certain restrictions no doubt; simple stealing is not unless after a previous conviction; robbery is always so punishable.

† Not many years ago a young woman committed suicide after hearing a sentence of transportation for a trifling theft. This was only one instance among many.

of the most humane judges, Mr. Justice Talfourd, lately sentenced a gipsy to seven years' transportation, for poisoning a pig to possess himself of the carcase. And the contrast between the present and the ancient criminal law of England is rendered more remarkable by this, that not only does it not now admit of compensation or reparation for any wrong it chooses to call criminal, but it denounces a voluntary compromise of such a wrong as itself an offence,* and any agreement to forbear from prosecuting it is illegal.† This is the first point upon which we have to notice that the law of England is at *variance* with the law of the Church, and, therefore, not binding *in foro conscientie*: at all events, in cases where it conflicts with a moral duty, as it easily may, where a person who has committed a theft, being penitent, proffers restitution, in which case, by the law of the Church, the owner could be obliged to accept and remit; whereas, the law of the land would compel him to reject and prosecute, which may be the reason why we hear every now and then of money being returned by Catholic penitents, either secretly or anonymously, through the priest. The law of England, upon this subject, is essential to be known by priests, and renders very important the distinction between what is criminal and what is simply a *civil* wrong. Unfortunately this is a very difficult distinction, of which, however, we must endeavour to convey some idea. It is *necessarily* difficult, for, after all, the distinction is one of *degree* rather than of *motive*, and though the line must be drawn somewhere, it is scarcely possible to draw it any where without nicety. Thus, though it is ground only of an action for deceit—selling goods not equal to the sample on which they were purchased,‡ it has lately been held, that if a tradesman insert pieces of good cheese into one of inferior quality, and pretending to draw out “tasters” from the cheese for a customer, draw out the inserted pieces, and so induce

* To advertise that if stolen property be returned, a reward will be paid, or no questions asked, is illegal. It is, of course, not so to advertise a reward for *discovery* of the property or detection of the robbers.

† *Keir v. Leman*, 5 Queen's Bench Reports.

‡ *Dawson v. Collis*, 10 Com. Pleas Reports, 523.

him to purchase the cheese, he can be convicted for a fraud.*

The act of George IV., regulating the law as to fraudulent conduct of the kind recites, that a "failure of justice frequently arises from the subtle distinction between larceny and fraud:" and certainly the distinction between the fraud which is the subject simply of an action, and that for which is a criminal offence is still more subtle. The common transactions of trade, however, raise questions of this kind continually. So long ago as the reign of Henry III. statutes were passed against brewers or bakers, who adulterated bread or beer; and from Doomsday Book we learn that knavish brewers, so early as the time of the Confessor, were subjected to the punishment of the tumbrel or dung cart; *malan cerevisiam faciens in cathedra ponebatur stercoris.*† These ancient statutes were regulated in the last reign, but others were enacted against adulterations of bread or beer; and it is penal for bakers or brewers to possess divers articles known to be used for the purpose. These changes in the law of the land cannot of course affect the moral turpitude of the offence, and, indeed, alterations in the *statute* law do not affect the *common* law, under which the offence may still be indictable, if it be fraud against which ordinary prudence could not provide, as in the case of the cheese-taster. And sometimes the decisions of the courts seem somewhat at variance with common sense and with morality, and at all events show that legal exemption does not prove moral innocence.

A farmer sold the carcase of a pig, which proved "measly," and unfit for food; he was held not liable even to an action,‡ on the narrow ground that he was not a dealer in pork. A party sold the "eatage" (pasturage) of a field, where it turned out to be strewed with refuse paint, &c., which made it unfit for grazing, yet he was held entitled to claim the full amount of the rent.§ In another case lodgings were let which were so infested with bugs,

* *Regina v. Abbott*, 9 Law Times, 394.

† 2. Russell on Crimes, p. 286. *Rex v. Haynes*, in Maule & Selwyn.

‡ *Burnby v. Bollitt*, 16, M. & W.

§ *Palmer v. Temple*, 16, M. & W.

that it was impossible to sleep in them, insomuch that (as Theodore Hook said) if the fleas had been only *unanimous* they would have pulled a person out of bed ; yet, though Lord Chief Justice Tindal, and the Court of Common Pleas, thought this an answer to the action for the rent ;* in a subsequent similar case the contrary decision was pronounced, after a clever argument, by the full Court of Exchequer.† Nay, it has recently been held that there is no duty on the owner of a house, which is in a ruinous and unsafe condition, to inform the proposed tenant of its being unfit for habitation, and no action will be against him for the omission so to do, in the absence of any express warranty or legal duty.‡ Of course these cases only decided that there was no legal responsibility, not that there was no moral culpability. They therefore neither assist nor embarrass the confessor ; they simply leave the particular cases to be dealt with upon *moral* grounds, on their own merits. Numerous cases could be cited, curious and somewhat humorous ; as, for example, the case of the rascal who ordered goods of two tradesmen, and sending to each a half of the same bank note, and was held neither to have committed a fraud nor a larceny.§ That would not do with a priest. There are other cases, curious, but *not* humorous, in some of which it may be very questionable whether the law of the Church would agree, as that in which the servant was held guilty of stealing, who had secretly and wrongfully taken his master's oats to give to his master's horses.|| and in others it clearly would ; as where a servant was held guilty of stealing who had taken his master's property with intent to sell it to him. The subject of fraud, even as respects the right of civil action, has for years perplexed the English Courts, and has been carried into courts of error over and over again in order to be settled. The doctrine now seems to be that an action is maintainable against a party who has knowingly told another an untruth, or caused it to be told to him, no matter whether he intended it to defraud or not, provided it pro-

* *Smith v. Marrable.*

† *Hart v. Windsor*, 13. M. & W.

‡ *Keats v. Earl of Cardigan*, 10, Com. Pleas, 591.

§ *Regina v. Masterton*, 2. c. 1.

|| *Regina v. Pruett*, 2 C. C. 40.

duced damage to the other party, and were uttered or put forth with the intent of influencing him.* Where there is a contract, a breach of it is actionable without any fraud.† Where there is a false representation not part of the contract, it is not actionable if it be fraudulent.‡

The nicety of the distinction which the English law draws between civil and criminal always is exemplified in a remarkable manner in a class of cases which have of late years become very numerous, and are rather curious, we mean cases of casual finding of goods. So long ago as the reign of Edward III. it was laid down that *finding* was not felony,§ and Staundfort, one of the oldest writers of our criminal law, who was a judge in the reign of Philip and Mary, says, that treasure, trove, waif, or stray, taken and carried away is not felony, *quia dominus rerum non apparet ideo cujus sunt incertum est*. Lord Coke also lays down, that if one lose his goods and another find them, though he convert them to his own use *animus furandi*, it is not larceny; for the first taking is lawful. Lord Hale likewise lays it down that if A. take the purse of B. on the highway, and take it away, even though there be all the circumstances which show the *animus furandi*, such as denying or secreting—it is not felony. Since then there have been many cases on the subject; some where the *owner of the goods may be presumed to be known from the circumstances under which they are found*. Among these are mentioned the cases of articles left in hackney-coaches by passengers, which the coachman appropriated to his own use, or a pocket-book found in a coat sent to a tailor to be repaired, and abstracted and opened by him, *and in these cases the appropriation has been held to be larceny*. These cases may perhaps be classed with others in which the taker is not justified in concluding that the goods were *lost*, because there is little doubt he must have believed that the owner would know where to find them again.|| The

* *Collins v. Evans*. *Ormerod v. Steel*, 14, M. & W. *Murray v. Mann*, 12, Jurist, 634. *Atkinson v. Powell*, 12, Jurist, 60.

† *Williamson v. Alison*, 9, East.

‡ *Harvey v. Towers*, 6, Exchequer.

§ Year Book, 23 Edward III., 3; 22 Edward III.

|| *Lamb's Case*, 2 East's Pleas of the Crown.

appropriation has also been held to be larceny where the owner could be found out by some mode or other, as in the case of lost notes, cheques, or bills, with the owner's name upon them.

In 1849, in a case reserved for the opinion of the Judges, the law was thus laid down by Mr. Baron Parke: "If a man find goods that have been actually lost, or are reasonably supposed by him to have been lost, and appropriate them with intent to take the entire dominion over them, really believing when he takes them that the owner cannot be found, it is not larceny. But if he take them with the like intent, though lost, or reasonably supposed to be lost, but reasonably believing that the owner can be found, it is larceny. In applying this rule, as indeed in the application of all fixed rules, questions of some nicety may arise, but it will generally be ascertained whether the person accused have reasonable belief that the owner can be found, by evidence of his previous acquaintance with the ownership of the chattel, the place where it is found, or the nature of the marks upon it. It would be presumed that the taker would examine the chattel, as an honest man ought to do, at the time of taking it." In that case the prisoner had found a bank-note on the highroad, without any name on it, nor any circumstances to enable him to discover who was the owner at the time he picked it up; but the day after he heard who the owner was, and that he had dropped it by accident, and he *then* changed it, and appropriated the proceeds. As at *the time he took it* the taking was not felonious, the court held, that the subsequent dishonesty did not amount to stealing. In the eye of the Church it certainly would, and these distinctions are chiefly important (be it remarked) for this purpose, that where there is no legal crime, the owner may lawfully compound: whereas, where there is, he cannot. In this, and any similar case, his remedy would be merely a civil action.

In 1851 a similar case occurred in which however the note had the owner's name upon it, which also was instantly advertized, but the court came to the same decision,—that there was no stealing; however, there was no evidence that the prisoner, when he *first* took the note, *intended* to steal it, and the same observation of course applies to the preceding case. How nice the distinctions were in the English law may be judged from a case which occurred in

that very year, in which the prisoner had driven away prosecutor's sheep along with his own by mistake, and had afterwards appropriated it. It was held to be stealing, because the first taking was technically a trespass and unlawful.* Mr. Baron Parke said, "it was not a felonious trespass at first, for he had no felonious intention until he knew that the lamb was there, but when he discovered that the lamb was not his own, and sold it, it became a felonious trespass." The Lord Chief Baron there said tersely, "It may be reasonably said to be no violation of a social duty for a man to pick up what he finds." But our readers will have perceived that cases on the construction of the law of England, raise questions of more nicety than that, and an instance was mentioned in this case. One judge, Mr. Baron Martin, had said, "suppose a man take an umbrella in mistake for his own, and afterwards on discovering his mistake, and finding out the owner by the name on it, determined to keep it as his own—that could not be stealing." On which Mr. Baron Parke said, "As at present advised I am not disposed to say that it would *not*." And the Chief Baron said, "I am inclined to think that it *would*." Happily the law of the Church is not quite so subtle as this.

In reference to persons as well as to property, the English law is often very *doubtful*, both as to its own teaching and its consistency with the law of the Church. This is exemplified, especially, in all that regards the excusing or justifying of personal injuries. The English lawyers lay it down that a man is justified in beating another in defence of his property, though not in killing him. As, however, a man who is beaten is most likely to be *beat*, and as in that case, he may very likely be killed, this comes to very much the same thing in the end; and indeed, the law holds that in such case the party beginning to beat in defence of his property may beat to death in defence of his life; and it holds that, against a robber, life may be taken even in defence of property.† This has been exemplified in several cases within the last few years. Not long ago a person was acquitted for shooting a

* *Queen v. Preston*, 20, L. J. Magistrates case, 4.

† *East's Pleas of the Crown*, vol. I. 273. *Hale's Pleas of the Crown*, 433.

robber who was *getting out of a window in his escape*. We very much doubted when we read this case, and doubt still, if this acquittal were in accordance with the law of England, which, of old, would only have justified the killing of the man, had he been trying to *get in* instead of trying to *get out*. The case, in that respect, is parallel to the Six Mile Bridge affair, where the accusation against the soldiers was, that they shot men who were *flying away*. We say not whether it were so, but *if* it were, it certainly would not be justifiable by the law of England, let alone the law of the Church. In proof of this we may recall a case some of our readers may recollect, which occurred sixteen years ago, the case of a young gentleman at a public school, who, being assaulted violently by a school fellow, *retreated as far back as he could*, and then drew a clasp knife, and in self defence stabbed him to the heart. It was admitted by his counsel, the present Lord Campbell, that this was manslaughter, for the law of England does not excuse the use of a *deadly* weapon in defence of a person, unless life be in danger. The very principle soundly and justly laid down by Mr. Justice Perrin in the Six Mile Bridge affair, and Chief Justice Tindal in the case of the Bristol riots. And Lord Campbell rested his defence of his client, the unhappy culprit, solely on the ground that he had sought to avoid the collision by retreating as far back as he could until he came to a wall. Clearly the young man could have been hung, had the reverse been the case, and had his *opponent* retreated, and he pursued. Not only is it not permissible to use a deadly weapon except *necessarily* in defence of life, but it has been laid down by all the judges, that it is criminal for one who knows of the existence of a mortal peril, to suffer another—even a trespasser—to approach it without warning; on the application of which principle, however, the Judges of the Court of Common Pleas, in 1817, were, after a learned and lengthened argument, equally divided, as to whether the party were even *civilly* responsible. The case arose thus: A gentleman sporting on his own ground, started a hare, who ran into the woods of another property, and his dog following it, (against his will,) ran against some spikes fixed to the trees for the purpose of killing dogs who pursued game there, and was accordingly killed. The owner of the dog brought his action against the owner of the wood, and the court were divided as to whether it was

maintainable—two judges arguing that it was, and two that it was *not*. The former two declared that the law of England, that “store-house of wisdom,” (as they called it,) could not have justified the owner of the wood in killing the dog by shooting it, and that therefore he could not do it indirectly, which is clear enough; but in the same breath they said (in effect) that the law allowed parties to defend their dwelling-houses (or enclosed places appurtenant thereto) from the depredations of robbers, by such contrivances as steel-traps, or spring-guns, which of course might indirectly kill not only the robber, but also a mere trespasser, which the law of England (we have seen) does not allow to be done directly. This precise case afterwards arose as we shall soon see. Another of the judges said there was a fallacy here; “Is it legal (he asked) to place spikes or glass upon a wall? and if a party climbing over be thereby wounded or cut, can he bring an action? And yet, if I were to see a trespasser coming down my area, or getting over the garden wall, I could not drive a spike into his hand, or cut him with a piece of glass;” (if he did and death ensued, it would clearly be murder;) “and suppose that in the present case the spikes had been on the wall, and the plaintiff had been wounded in getting over it, could the action have been maintained?”* In 1828, the very case put to the judges occurred. A florist had valuable tulip roots in his garden, and to protect them put a spring gun there, without giving notice of it, and a youth who got into the garden innocently, in pursuit of a stray fowl, ran his foot against the secret wire, and was shot by the gun in the knee.† The Court held the action unwarrantable, merely on the ground that *no notice* had been put to the public; if there had been it would have been otherwise, as the Court of Queen’s Bench decided on another similar case‡ about the same time, so that it was settled that by the law of England a man might *indirectly* wound or kill others by the use of a deadly weapon in defence of the most trumpery property! In giving judgment in one of these cases the Lord Chief Justice (Wyndford) said, “Humanity requires that the fullest notice possible should be given, and the law of England will not sanction anything which

* *Dean v. Clayton*, 5 Taunton.

† *Bird v. Holbrook*, 4 Bingham, 639.

‡ *Holt v. Wilks*, 3 Barnewall and Alderson, 308.

is inconsistent with humanity." And in the other case he said, "It has been argued that the law does not compel every line of conduct which humanity or religion may require: but there is no act which Christianity forbids which the law will not reach; if it were otherwise, then Christianity would not be, as it has always been held to be, part of the law of England. He, therefore, who sets spring guns without giving notice, is guilty of an inhuman act, and if injury ensue he is liable to yield redress to the sufferer." Suppose that notice *was* given, and that the sufferer's entry was innocent or accidental, his death might ensue, yet, according to this *humane* doctrine he could be justly slain, for the sake of a tulip, which he had avoided touching, and in defence of which, if the owner had shot him with his own hand, he would have been hung for murder!* Was there ever such a monstrous mixture of inconsistency and inhumanity! It was too much for public opinion even in the reign of George IV., and an act passed to regulate the law under which, in conformity with humanity and Christianity, men might be *indirectly* slain or mangled for the sake of protecting a tulip!† The statute, however,† still allows spring guns to be set in dwelling-houses, between sunset and sunrise, which is founded upon the law already alluded to, that a person may shoot a *robber*; but it goes further, for the spring-gun having no respect of persons, may shoot a mere trespasser, or even an innocent party. So that the law of England yet upholds its former character for *humanity*, in allowing the *indirect* slaying of men for the sake of mere defence of property. We should like to ask a Catholic theologian (need we ask?) his opinion as to the *morality* of all this. Suppose a person—intruder, trespasser, or even robber,—slain, by a gun fired either by man or by machine, could the slayer be justified in the sight of God? Is, in such a case, "*killing no murder?*"

* There is here again great reason to question if the law were laid down rightly, for in 1807 a boy under similar circumstances recovered damages, and it does not appear whether any point was taken about notice. *Judge v. Whitfield*, MSS. Case cited 3 B and A.

† The act in certain cases makes it *penal* to place spring guns even *with* notice.

‡ 7 and 8 Geo. IV. c. 18.

But in nothing is the moral character of the law of England more remarkable than in cases of seduction and slander. Take the first head, a class of cases,—offences against a woman's chastity. If she be *deforced*, though she be a courtesan, and though it occurred in a half-drunken state, the criminal may be transported for life; (and, until a few years ago, was hung;) but if he have, with all the cold-blooded and cruel artifices of a villain, matured and arranged for years—plotted and planned, and perpetrated the ruin of an innocent girl, with promises and pledges of marriage—he is no *criminal* at all in the eye of the law, and can only be *sued*. Nay, farther; on the one hand he is not compellable to marry his victim, and may, after paying the “damages,” leave her to scorn and ruin; and on the other hand, if in the other case the man be anxious, and the woman willing, that he *should* marry her, and repair, so far as possible the injuries he has done—he *cannot*: and if she and her parents arrange that it shall be so, they may be indicted for “compounding a felony:” and the woman may be compelled to give evidence to secure the *living* death (a year or two ago it would have been the actual death) of her betrothed husband; so remorselessly sanguinary and cruel is the law of England. We need scarcely say that in Catholic countries the law has often been very different: and by the influence of the Church would practically be always different were she had her due influence. Then recurring to the case of seduction, it will scarcely be credited that the law of England allows not even of a *civil* remedy, (and that merely by way of *damages*,) except upon the mean, miserable, technical theory of supposed *loss of service* to the parents, so that, if the girl were not actually residing with them at the time, *they cannot sue*; (and she never can sue at all by reason of her consent;) nay, further, it has actually been held, that *unless the birth of a child follow the crime they cannot sue!* And the judges marvel at the vast increase of *infanticide!* What with the law of seduction, and the law of bastardy, there is every possible *premium* upon its commission!

A woman can sue indeed for breach of promise of marriage, and a pretty compensation it is for blighted affection and blasted hopes, to have her name and her misery published to all the world; and get *damages*. A very good thing for *speculating* spinsters, but scarcely

much consolation for the wounded feelings of a sensitive heart. However, on this point we must not be too hard on the English law. It does all it can ; it can do no more. Its absurdity *here* is the effect simply of the inferiority of any temporal law, at least not in conformity with the spiritual law. The cases of seductions and slander are good examples of this. By the law spiritual the seducer might be compelled to make reparation either by *marrying* his victim, or at all events, if from any circumstances that were not practicable or preferable, ought, so far as possible, to make amends, to his utmost in every way as a priest might suggest ; not merely by paying such a sum of money a coarse minded jury might assess, under the auspices of a couple of barristers and a hard headed judge. So in the case of slander ; this, as well as seduction, and many similar cases, were originally of *spiritual* cognizance, and reparation would of course be compelled, which in the cases of slander would be *retraction* ; and that would really be a remedy. Whereas, by the law of England, the slanderer can only be sued for *damages*, (to the extent to which evidence can be given, or an ignorant jury assess ;) and if he can prove the charges true, however malignant may have been his motive in publishing them, he escapes, and triumphs, and tramples with impunity his perhaps penitent and now innocent victim into the dust. In our article on the case of Achilli, we showed something of the iniquitous character of the law of England as to libel or slander ; but we were then occupied principally in showing how the judge had made it worse than it was, and we failed to do justice to its absurdities and iniquities. The subject is of great public importance, to popular as well as moral interest, so we venture to enlarge a little upon it. If Dr. Newman had been able legally to prove Achilli guilty of all he alleged against him, he might have defied him, even although it had appeared that he had published the charges from the most diabolical motive and malignant personal enmity, and that the unhappy object of his malignity had been for years truly and profoundly penitent. Such is the law of England in favour of *malignant* libellers, who take care only to publish what they can *prove*. Need we say how utterly opposite it is to the law of the Church ? The youngest child at a Catholic school can, from her little catechism, give a very different and far sounder definition of slander,

or detraction, and knows that to say what is true may be a grievous sin, if with malice; whereas, to say what is untrue, if without malice, may be, indeed must be, a very venial sin, and that to say what cannot be proved to be true, with fair and just reason for saying it, may not be sin at all, but even a virtue. In short, so immoral is the law of England that it makes truth (and necessarily provability) the test of culpability; not justice or malice. It does not enquire, was the libel malicious? but was it true? or can it be proved? If so, it never minds the malice,—if not—it cares not for the most ample evidence of *absence* of malice.* And this is the more inconsistent, because, in cases where the occasion is *privileged*, the proof of malice destroys the privilege, and renders the libeller liable. If a person give a servant a bad character, though false, it is excused; but if he say “he will ruin him,” the excuse is removed. Why is not the law so, as to the proof of the *truth* of a libel? If *malicious*, then “the greater truth the greater the libel,” according to an ancient maxim of the English law, originally used in that sense, and utterly false in any other, but in modern times most grossly misapplied. In no respect is the law of England less clear than on the question what *is* a privileged communication, or an obligation to excuse the publication of defamatory matter. This is, it is obvious, in its essence a *moral* question, which may account for the doubt and difficulty of the English law about it. If we were to take the rhetorical and plausible language of the late Lord Wynford as to be relied upon, we should conclude that the law on this, as on all points, was absolute wisdom, and identical with Christianity. “What is our moral duty if we hear anything injurious to the character of another? If what we have been told does not concern the public, nor the administration of justice, we are to lock it up for ever in our breasts.”† One would imagine from this, that if it did concern the public he might legally publish it, and that if it did not, he might not publish it whether true or not. Yet the very reverse is the law. In the case of Dr. Newman it was admitted, that what he said did concern the

* *Blackburn v. Blackburn*, 4, Bing, 409.

† *De Crespigny v. Wellesley*, 5, Bing, 405.

public, but no one, not even his own counsel, contended that this *per se* excused him as rendering the occasion privileged; and, on the other hand, as we have already observed, if he had proved it *true* he would have been legally justified, although he had published it from malignant enmity. Lord Wynford, in his inflated homily, or eulogy, of the law of England, said, "We are on *no account* to report slander to gratify our enmity," forgetting that the law of England allows us to do so with impunity, provided we take care to be able to prove it. But what *does* "concern the public," and what is a privileged communication? Several amusing instances could be given from the squabbles between dissenting preachers and their flocks, or their rivals, very illustrative of the importance of the question, having no remote bearing on Dr. Newman's case. One of these "reverend" gentlemen is "invited to preach a single sermon," "which was so much approved as to induce an immediate application for his future services;" "and then he was engaged from Sabbath to Sabbath with increasing approbation, until a meeting of the church was convened to consider of inviting him to supply the pulpit once on the Lord's day for a specific period. It was now that unpleasant rumours began to create uneasiness, and were traced to a person who stated that he had heard from the uncle of the new "minister," that he had forged his name to a bill. An investigation ensued, resulting in a verdict of acquittal. Three months afterwards the uncle, another Dissenting pastor, addressed the following letter to the "Pastor and Deacon of the independent Church at B.," in these terms: "The printed statement you have published, (respecting the above transaction,) is so defamatory, that I have the assurance of my legal adviser that I could successfully prosecute you for a libel; I wish not, however, to resort to a mode of justification which among believers is forbidden by episcopal authority. I rejoice that I can appeal to the Searcher of hearts, that my only consideration has been what may best promote the real interest of truth and holiness, and the real interest of the kingdom of Christ. I did not seek to asperse the Rev. S—B. Another member of the church about to choose the reverend person as their pastor, applied to me in confidence, to inform him what were my views of that individual's character, and as I considered it as one of the most fearful calamities that

can befall a church to receive as its pastor a man of questionable character, I did, in the confiding frankness of Christian intercourse, mention the transaction in question," (and which Lord Denman, then Common Sergeant, had advised amounted to forgery). "I had, indeed, received statements from Canterbury and Luton respecting the character of the reverend gentleman, while travelling in the Wesleyan Methodist connection, no way to his honour, *but I could not prove them*; statements, also, from Nottingham and Derby, that his conduct when an independent minister in that neighbourhood, had not been irreproachable, but *I could not substantiate them*. Yet these facts, supported by credible testimony, together with the facts in my own possession, produced an amount of moral evidence of which I shall feel as long as I live, therefore I felt bound to mention the transaction;"—which, by the bye, had occurred in 1814, thirteen years ago, and as to which, the letter set forth Mr. Denman's opinion. "I do not wish to publish these things to the world; if your reverend friend were only prepared, with the ingenuousness of Christian repentance to confess his past indiscretions and sins, no one would rejoice more in the evidence of his penitence and in the prospect of his usefulness, but if he proudly denies facts which are true, I can only anticipate that he will be found, like evil men and seducers, to wax worse and worse." The reverend friend would not venture to meet this, but brought his action and put his man *to the proof*, just as Achilli put Dr. Newman to the proof, knowing that he must fail in proof; and the question then was raised, which was not raised in Dr. Newman's case, whether the occasion were privileged, and the court held that it would have been but for the lapse of time. Three months had intervened since the church meeting had been held—pronouncing conduct on the part of the accused, "*regular and honourable*," which Mr. Denman had deliberately advised was forgery. Truly the moral theology of the "independent" church was unsound. The case is extremely illustrative of the importance of the law of libel. It seems to have been a sort of Achilli case on a small scale. Assuming that he believed his uncle's statement was true, (and its truth on the chief point being incontestable, and his account of his nephew's wanderings bearing intrinsic evidence of truth, it is fair to presume it was all so,) it clearly "concerned the public" that it should

be published, and in what a position was he placed when the court held that the occasion was not privileged? He was put to the *proof* of what he had stated, and as he had no legal evidence, he was defenceless, yet the absence of legal evidence decides nothing as to the moral evidence, and the moral culpability. In a recent case* of a similar character, the court held the communication privileged, and therefore that the defendant was *not* put to the proof of truth, but that the plaintiff was put to the proof of malice.

In 1846 two cases occurred, showing in a very striking way the extreme difficulty our judges had in dealing with any moral question. In one, the libel was a letter written by the mate of a ship, from a seaport whence she was to sail on a voyage, falsely charging that the captain had been guilty of continued intoxication, and asking advice as to whether the writer, the mate, should go out with him or not. The late Chief Justice Tindal, and Mr. Justice Erle, held the communication privileged; Mr. Justice Creswell, and the late Mr. Justice Coltman, held that it was not;† and in the other case there was a similar division of opinion.‡ The two former Judges laid down this principle, that a person having information materially affecting the interests of another, and honestly communicating it privately to such other party, in the belief that it is true, is justified in publishing it, though he have no personal interest in the subject, and though no enquiry is made of him. And a privileged communication was last year in the Court of Common Pleas, defined § as one made *bona fide* in performance of a duty, which duty must mean fairly what is *bona fide* believed to be a duty. In these cases it appears plain that though the question is a *moral* one, the *animus* of the party in making the communication is not the sole test, the conscience of the party cannot be permitted to be the sole judge, and the courts of law assume the right of determining whether the case be a good one, as the moral theologian would in the tribunal of the church. Unhappily, however, as will have been

* *Hopwood v. Thorn*, 19 Law Journal, Common Pleas.

† *Coxhead v. Richards*, 15 L. J. C. P.

‡ *Bennett v. Deacon*, 15 L. J. C. P.

§ *Somerville v. Hawkins*, 10 Common Bench.

seen, the courts of law are exceedingly perplexed as to the principles to be applied to the resolutions of the question, or as to the proper application of those principles.

This difficulty is observed to exist in the English law in every case at all involving questions of moral duty. Thus a master is not bound to provide his servant with medical or surgical attendance, as in illness or accident met with in his service. Lord Mansfield said, "I think in general a master *ought* to maintain his servants, and take care of them in sickness, but the question now is, what is the law?"* And he held that the master was *not* liable on law. In an old book published before his time, it is laid down, "If a servant retained for a year, happen within the time of service to fall sick, or be hurt, or lamed, or otherwise to become *non potens in corpore* by the act of God, or in doing his master's business, yet the master must not, therefore, put such servant away, nor abate any part of his wages for such time."† And it was argued very fairly that from this principle it followed that the master was bound to provide medical aid, "for it would be of little advantage to the servant to remain sick in his master's house, unless he were properly attended to and supplied with medicine." But in 1802 the question came to be solemnly argued, and it was decided that this was not so, and the court said, although Lord Kenyon had held otherwise, that his "humanity had misled him," "and that it must be left to the humanity of the master to decide whether he would assist his servant in such case or not."‡ The court, however, added, "that if he agreed to find the servant in victuals, that might include such things as the state of the servant required, as wine or drugs; but that without some express stipulation of that kind, the law imposed no liability, and there was no legal duty;" according to which, a master may allow his servant to die under his own eyes for want of the most ordinary medical aid. This law has been recently recognized, for it has been held that if he send for a surgeon he cannot charge his servant with the expense, by way of deduction out of his wages, unless the servant expressly agrees to such deduction.

* *Newby v. Wilshire*, 2 Espinasse, 139.

† Dalton's Justice, c. 58, Edit. 1742.

‡ *Wennall v. Adney*, 3 Bosanquet and Fuller, 254.

This is part of the large subject of *moral* obligation, which is only to ascertain the limited extent recognized or enforced by the law of England, and hardly ever when unaccompanied by any express agreement, and not always even then. Lord Mansfield laid it down, "that when a man is under a moral obligation, which no court of law or equity can expose, and *promises*—the honesty and rectitude of the thing is sufficient consideration to make the promise legally binding,"* a principle for which there had already been high authority, and which unquestionably would have been deemed law in Catholic times, for even long after the Reformation we find Lord Hale saying, that in case of "common charity" a promise would be binding, yet in the cases after the revolution we find the doctrine disputed, and at last, in the age of Ellenborough and Eldon denied and overruled. No longer ago than in the days of Lord Denman, who was certainly disposed to carry the doctrine as far as he could, according to modern ideas of the law, the principle is thus stated: "Mere moral consideration will not support even an express promise, which can only revive a *precedent* legal liability," (as in the case of a debt barred by the statute of limitation or bankruptcy,) "but can give no original cause of action, if the obligation on which it is founded *never* could have been enforced at law."† So that although a man had promised to repay money laid out in the maintenance of a young lady, (a minor whom he had married,) he was held not liable. In a more recent case, however, the Court of Exchequer held that a man who had received his certificate in bankruptcy, which discharged him from his debts, was yet liable on an express promise to pay one of the debts so borrowed.‡ But this only came within the principle as laid down by Lord Denman, and does not affect the proposition, that the law of England does not enforce mere moral obligations, a principle recognized and acted upon the other day in a case just reported, in which it was held that a man was not bound by his promise to a woman to support a child she had borne to him.§

* *Hawkes v. Stuart*, Camp, 290.

† *Eastwood v. Kenyon*, 3 P. D., 276.

‡ *Tattersall v. Kirkpatrick*, 12, Meason & Welsby.

§ *Crowhurst v. Laversack*, 22 Law Journal, Ex. 57.

There are a large class of cases in which the morality of an act must be considered apart from its legality, and depend upon the motive or *animus*. This must necessarily be the case where a man avails himself of any positive rule of human law in itself neutral, and neither morally good nor evil. For instance, take the case of the statutes of limitations. So long ago as the reign of James I., it was enacted that a man should not be sued for a debt above six years old, unless he had promised to pay. That the morality of a man's availing himself of this statute was questionable appears to be indicated by the contrariety of the decisions of the courts upon it. The earlier cases referred an *express promise* to pay, to render the debtor liable after six years.* Then a sense of the iniquity of the debtors in many cases induced the courts to lean to the other extreme, and held any mere *acknowledgment* of the debt enough.† Then, as these decisions tended to repeal the statute, there was a reaction in the original direction.‡ And some twenty years ago occurred a case which was determined in this spirit in favour of the debtor, though the circumstances would have supported a suspicion that the availing himself of the act was not quite so morally justifiable as the judges somewhat charitably chose to surmise.§ The late Lord Wynford thus spoke in language strikingly showing the moral difficulty of the question: "I am sorry to be obliged to admit that the courts of justice have been deservedly censured for their *vacillating decisions* on the subject. It has been supposed that the legislature only meant to protect persons who had *paid their debts, but lost the proof of payment*. It was not, however, passed on that narrow ground. It has been called by great judges an act of peace. Long dormant claims have often more of cruelty than justice in them. Christianity forbids us to attempt enforcing the

* *Keyling v. Hastings*, Lord Raymond's Reports, temp. Queen Anne.

† *Mountstephen v. Brooke*, 3 Barnewall and Alderson's Reports, temp. Geo. III.

‡ *A'Court v. Cross*, 3 Bingham's Reports, A.D., 1825.

§ He said, "I know I owe the money, but the bill was on the wrong stamp, and I won't pay it."

payment of a debt which time and misfortune have rendered the debtor unable to discharge." This was all very pathetic, but it was presuming that this was so. And in the case before the court, and hundreds like it, the debtor did not pretend he was unable to pay. "The legislature thought that after such a lapse of time some good excuse for non-payment might be presumed." All this tends to show that, in the opinion of these great judges, the party would not be justified in resorting to the act unless there *were* a "good excuse for non-payment;" and this of course must be left in his own breast, and must be matter for his confessor rather than his counsellor at law. It is clear that the lapse of time might have been a mere matter of indulgence, and the resort to the statute a piece of black ingratitude and rank dishonesty. The question was one of such difficulty, that not long after parliament passed an act requiring that no *acknowledgment* should take a debt out of the statute of limitation unless in *writing*. This was to prevent disputes and perjury, as to the precise expressions used, and does not of course remove the legal, nor in the least affect the *moral* difficulty of the question which, it is conceived, must be always one of individual conscience. In a subsequent case the debtor said he would pay when it was in his power, and the judges were divided as to whether the plaintiff could recover without proving that it was in his power; but the majority held that he could *not*. The same Chief Justice, Lord Wynford, said, "The two best statutes in our books are the statutes of frauds," (requiring writing to bind men in contracts relating to land, or to sales of goods above ten pounds,) "and the statute of limitations, but unfortunately the judges in Westminster Hall have taken a different view of the subject; and until recently a struggle seems to have been made to destroy the effect of those statutes." No doubt this was from a sense of the iniquity and immorality (in many instances) of parties availing themselves of these enactments. "It is curious" (the Lord Chief Justice added) "to observe the progress of opinion on the subject. At first it seems the Judges were with the statutes, and held an express promise necessary. Then (in the reign of Queen Anne) the twelve Judges, after much consultation decided that an acknowledgment of the debt might be evidence of a promise. After this, equity lawyers came into the Courts of Common Law, and

Lord Mansfield brought with him into these courts equitable ideas of the statute, and held a bare acknowledgment sufficient to make the debtor liable after six years. Lord Loughborough entertained the same opinion; and the Court of King's Bench adhered to it, until ultimately the principle was carried to such a degree of absurdity that a declaration of a defendant, that he *would not pay*—was held sufficient as a promise to pay to make him liable." Then the learned Lord Chief Justice goes on to declare his adhesion to the opposite view, and repeats his former avowal of it thus: "It is not a statute to protect parties against loss of evidence, but to quiet *claims*. To sue a defendant when one has slept six years over his rights, when time and misfortune may have disabled the debtor from discharging his debt, is at once *iniquitous and unchristian*." We have already pointed out the flagrant fallacy of this observation. It is perfectly plain that it may or may not be so, and that it must depend upon the circumstances.

We wonder whether English confessors are much troubled with these questions? One thing we know is, that they ought to be, for these questions are of constant occurrence; and can never occur without raising a case of conscience. The subject is a very wide one. It is not only the statute of limitations. There is the statute of frauds, which enables a man to escape from an honest agreement, (in many cases,) if not in writing; there are the stamp laws—still harder—which enable him to evade payment of a bill, or performance of a written contract, if not duly stamped. There are the defences of infancy, or insolvency, which of course may be, but most undoubtedly may *not* be defences consistent with morality. Many cases occur of "infants" betraying most precocious astuteness, and taking in adults very completely, and the jurisdiction of insolvency is so incredibly loose and nefarious that we have known men "discharged" with credit, and come off with flying colours from "the Court," whose conduct has been nothing short of swindling, and who have contrived to secure plenty of means to pay their debts, if they pleased to do so. Of course, if these things were *proved* they might not escape; but the same parties who would do these things would swear very hard to conceal them; and it is next to impossible for a creditor to prove them. It is important for a confessor to bear in mind that

any opposition to an insolvent's discharge can only be made *at the expense of the opposing creditors*: who are not likely (unless in cases of ill-feeling) to "throw good money after bad" in that way: so that the fact of a man being discharged by the Insolvent Court without any opposition or imputation, does not amount to the least proof that he was free from dishonesty, in the careless contracting debts without just prospect of paying for them, or in the reckless scale of expenditure or system of speculation in which he may have indulged.

Supposing a legal right of action to have been created, by contract or tort, there arises another class of questions as to the extent to which the party injured is enabled to claim reparation, or rather, as to the principles on which the legal damage is to be estimated, for the extent, supposing the principles settled, would of course be mere matter of evidence in each case. But as to the principle, there often is great difficulty. For instance, take the case of contract for the purchase of goods; the question arose some years ago, whether, supposing wheat to be bought to be delivered at such a time,—before which the buyer declares he will not accept it, the seller should recover the difference between the contract price and the market price on the day when the wheat was to be delivered, and was tendered, or the day when the notice was received by the seller; it was held that the former of these days was to be taken.* So on a breach of contract not *delivering* goods purchased, the buyer is entitled to recover the difference between the contract price and the price at the time when the contract was *broken*.† It is obvious that there might in either case be no damage at all; in the one the price might have *risen*, so that the seller could get a greater sum in the market; and in the other the price might have *fallen*, so that the buyer could get the same goods for a less sum. On the other hand the mere difference between the contract price and the market price, at the time of which the contract ought to have been completed, is not always the true measure of the damage; and the House of Lords, a few years ago held, that the purchaser was entitled to recover a compensation for such profit as he might have

* *Philpott v. Evans*, 5 M. & W. 475.

† *Shaw v. Holland*, 5 M. & W.

made had the contract been duly performed.* And on a similar principle it has just been decided that in an action for non-completion of a contract to finish machinery, the plaintiff might have damage for loss of profit which would have been realized on contracts with third parties; and which, by the non-completion of the machinery the plaintiff had been prevented from performing.† These are decisions perfectly plain on principle, and which would clearly be available for the purposes of the confessional; as also other cases, upon the principle that the damage claimed for must not be too remote, nor dependant merely upon possibility or chance, but be the natural legal result of the breach of contract. For instance, it has recently been held that in an action for non-delivery of a parcel containing a prize, plan, or essay, the plaintiff cannot recover anything for the possibility of his obtaining the prize.‡

Similar questions arise where goods have been wrongfully taken from a party. Sometimes the measure of damages may be the full value; sometimes merely nominal, and sometimes greater or less than the value. Thus, if one wrongfully take the goods of another, and then have them wrongfully taken from himself, he may have to pay the rightful owner a sum of money necessarily paid to the second wrong doer to get back the goods.§ So in other cases of wrongful act, in an action for libel, for instance, the plaintiff may recover for any injury (as the loss of a situation or a marriage) directly arising from the *defendant's* utterance or publication of the slander: but not from what has arisen from the repetition of it by others, who are liable themselves to the person injured. Nor can he recover against the libeller for wrongful acts of other parties occasioned by his publication of the libel, as, if the employer dismiss him before he is legally entitled to, or if a mob, moved by excitement, assault or beat him;|| for against those persons he has a legal remedy. Perhaps in this respect the law is necessarily more rigid than the law of the Church would be.

* *Dunlop v. Higgings*, 1 House of Lords Cases.

† *Waters v. Towers*, 22 Law Journal, Exchequer, 186.

‡ *Lythgoe v. East Anglian Railway Company*, 15 Jurist.

§ *Keene v. Dilk*, 4 Exch. 388.

|| *Vicars v. Wilcocks*, 8 East 1.

There are other matters of far greater importance than mere contract, in which the relation of the law of England to the law of the Church is one of great delicacy and difficulty. For instance, in respect of marriage. There are cases, as of marriage of a deceased wife's sister, in which the law of the Church allows (under dispensation) a certain marriage to be valid, which by the law of the land is void. So it is a transportable offence for a Catholic priest to marry two Protestants; and it is a misdemeanour for him to marry Catholics without certain notice to the registrar to attend. This latter requisition often exposes a priest to a painful dilemma; and we need hardly say, that when the law of the land, and the law of the Church come into collision on such sacred subjects, involving peril of mortal sin, the Catholic priest will have but to say, "we ought to obey God rather than man." It is of the highest importance to recollect that after all human law only acquires any moral obligation, either through its being identical with a divine law, or, indirectly by some sanction of the divine law, which of course requires obedience to human law, so far as it is *consistent* with the divine. But remove that sanction, and on what basis can the law of the land require obedience, when it is at variance with the law of God? Take for example the penal laws. When James II. was on the throne, he was bound by law to sign warrants for the execution of priests, as traitors, who were found within the realm. No man whose moral perceptions have not been brutalized by bigotry will pretend that he was bound to obey those laws, which involve the guilt of murder on all who put them in execution, whether as prosecutors, "pursuivants," judges, advocates, or (voluntary) witnesses. Yet it is not generally known that these laws are the laws, dispensing with which is made, in the Bill of Rights, the great charge against James in vindication of his virtual expulsion from the throne. Cases so extreme as this, of course, are not of common occurrence, though the instances we have given as to the law of marriage, show that they may still in some degree be found to exist.

Not long ago a case occurred of a very common character, sufficient to show what interesting questions must daily arise. A servant sued for a wrongful dismissal. The master pleaded that she had disobeyed his order not to leave his house. She replied that she had gone to

attend the death-bed of her mother. The court held this no answer ; and that although she had gone to discharge a moral duty, she had done so at a legal peril, and was rightly dismissed. We recollect a little time back narrating this case at the table of one of our colleges, at which a Jesuit priest was present. He reflected for a few moments and then said, he was by no means certain that this was contrary to moral theology, or that the master had committed any sin against justice ; still he doubted, and when a Jesuit doubts there must be difficulty. It is enough to mention the case as a specimen of many such which are of constant occurrence, and which involve questions of great moral and legal importance. Of course our space permitted only a cursory consideration of the subject, and the *suggestion* rather than the *satisfaction* of such questions as may arise.

ART. VI.—1. *Beatrice*. By CATHERINE SINCLAIR, 3 vols. London, Bentley, 1852.

2. *London Homes*. By CATHERINE SINCLAIR, 3 vols. London, Bentley, 1852.

IT is now above eighteen hundred years, since a monarch in the East, something in the position of an Indian Rajah, with a foreign Resident to take care of him, kept his birth-day with great pomp. To dinner of course succeeded dancing and music ; when a young lady of his family came forward and danced, with a skill and grace which won universal admiration. Every one no doubt pronounced her the very paragon of her sex, lady-like, amiable, gentle, and most engaging. The old fool's head was turned ; and in reward for her dance, he offered her any gift she would ask, to the extent of one half of his dominions. It is quite probable that she well knew this to be a mere oriental hyperbole, especially as there were other parties to be consulted, upon such divisions as this : and she concluded too perhaps, that if she accepted the offer, she might receive, in addition to it, a few drops in her breakfast next morning,

which would settle her claims, in the course of the day. Still she might have asked for something handsome, and it would have been easily granted: as for instance the richest set of jewels which any young lady in the king's dominions had lately got from Rome, though the taking them off her neck might have involved strangulation; or the nicest house and garden, or estate, near Jerusalem, though the possession of it might have required the sending of the right owner to Jericho. These would, indeed, have been trifles: but there was clearly an *embarras de choix*; and the young lady begged to consult her mother. This was but natural: a long and affectionate whispering takes place, after which, with the most natural, charming simplicity in the world, she comes forward to prefer her request. There is certainly no accounting for tastes; and therefore some little astonishment is expressed among the guests, when it is ascertained that the princely damsel has asked for nothing more than—a man's head on a dish!

One may indeed be puzzled about such a taste. Had it been simple cruelty, or a strong sense of justice, there can be no doubt that the tyrant had always in his dungeons a store of victims upon whom such feelings could have been, with excuse or justification, vented. He had plenty of rebellious sheiks, or marauding Bedouins, or robbers, or old friends and courtiers, ready to be brought out at any time, and be crucified or impaled "to please the public," and give them a holiday. But this was not the taste here. The two ladies did not want a common criminal's head dished up; it was a more conscientious affair than that: and really, with these volumes before us, and after the recent perusal of other very gentle, and very delicately-minded ladies' religious opinions, especially in the shape of novels, which have nothing true in them but the writer's image, we do *not* now look upon that feminine decision as so *very* startling. He whose head they deemed it right to demand was a man professing an ascetic life, who had separated himself early in life from "the happiness of a *Jewish* family circle," and chosen to live in a desert; had clad himself not in ordinary garments, but in skins and a leathern belt; had lived upon strange diet, which must have been very austere, and entailed a constant occupation (most unprofitable in the eyes of visiting ladies belonging to Tract Societies) of chasing locusts, and taking wild-bees' nests. He did not shave, nor wash with scented soaps, nor proba-

bly much at all. He flew from the society of ladies, and lived and died a celibate. He preached fruits, that is, deeds of penance, believing in the efficacy of works, and not in faith alone, as a means of averting the axe from the root. He did not teach comfortable doctrines, but talked of fire unquenchable that had to consume all the chaff of the world's barn-floor; and called polite people "generation of vipers;" and coming nearer home, had reproved those very gentlewomen as they deserved. Then he had disciples, or persons whom he trained in this form of life, teaching them to live in the desert, and shun the world, and live a very mortified life.

Now if there be any character more heartily detested than another by Miss Sinclair and her class of lady-writers, it is exactly the wearer of uncouth garments and leather belts, the fasting, unsleeping, mortified ascetic, who lives apart from the world, and its cheerful gaieties, who tries to draw others to a penitential life, the monk in fact, or the Jesuit, or the hermit. Men of this class inspire her with horror, loathing, terror, and she considers all priests, bishops, cardinals, and popes, as equally a gloomy, self-scourging, unwashing, sleepless, fasting race; and therefore to be dreaded, abhorred, and shunned, more particularly by young ladies, for whom she is mainly solicitous, and who, from her writings, would appear to have a spiritual *penchant* for those estimable qualifications. This idea so strongly prevails through the pages before us; so clearly does the priest or the Jesuit (for the two are only one) appear throughout them, as the perverter of youth, the corrupter of innocence, the bane of society, as worse than its adulterers, its profligates, its liars, nay, almost than robbers and murderers, that we are driven to one of these alternatives; either the amiable lady before us does not believe in the truth of what she writes, or else, were the opportunity afforded, she would consider it a duty of justice to get the General of the Jesuits' head off his shoulders, if she could do it so cheap as at a *pas seul*, or make the Cardinal Archbishop of Westminster's life insurances (if he have any) available to his heirs, executors and assigns, if it could be done for a *minuet de la cour*. Indeed, we would recommend her to look at Sharp's engraving of Queen Elizabeth dancing before the Spanish Ambassador, published some years ago in Edinburgh, as a good specimen of the *pas d'Herodias*, as executed by that "tall,

gaunt, and virginal " lady, who enjoyed the singular advantage of loving controversy, and being able to hang her opponents.

We have before had occasion to expose the absurdities, and the untruths of this writer, and we should only be giving them a new dose of the same stuff, were we to collect again, for our readers' edification, specimens of her instinct to go wrong. We will give one amusing instance. Every Catholic child knows, that St. John Nepomucen, so called from his native place, Nepomuk, was martyred by Duke Wenceslaus, at Prague, by being thrown from the bridge into the Vistula. In consequence of this, his statue is to be seen upon almost every bridge in Germany. Although the rest of his body, buried by the Canons of Prague, decayed, his tongue, which he had learnt " cautiously to guard," was found by the commissaries deputed to examine it, some hundred years later fresh, and incorrupt; as it remains to this day. All this history is told in the following manner by the accurate Miss Sinclair.

" Joann de Napoli, the tutelary saint of bridges. His tongue was cut out, because he would not tell the secrets of confession, and thrown across the Bridge of Prague, where it was found two hundred years afterwards, quite undecayed, and glittering with glory."

' This comes in p. 57, of what she calls a " Common Sense Tract," entitled Lady Mary Pierrepont, forming part of the first volume in our list. We must suppose that it is the part of " common sense " to condense into *five* short lines, quite as many inaccuracies, beginning with the well-known name of the person to whom they refer.

A few pages before comes the following sample of the best Mrs. Malaprop style.

" It is the vaunt of Italian *liberals* that they belong to secret societies, that they are bound by secret oaths, and that they work by secret terror. They sow distrust in families, excite the servant against his master, the soldier against his officer, and use the sword, which no other religion does."

It is rather good to take the Italian *liberals* as standards of Catholic practice, considering that they abhor our priesthood and religious, just as much as the lady who writes does, and use these very means to get rid of them ;

that they profess Protestant, far more than Catholic ideas, and are avowedly copying English rather than Italian systems of action. Then it would appear likewise, that this liberalism is a religion, since "no other religion does" what it professes to do. The only explanation we can give is, that, in her terror, Miss Sinclair has jumbled together her various horrors, and believes the liberals and the Jesuits to be the same thing.

We could go on multiplying examples of this nonsense to the end of the chapter, were this our object. It is not however. We have referred to these works, we have taken notice of their writer's mixture of ignorance and ferocity, more as symptomatic of a public taste than as worth notice for its own sake. If, in a town of northern Europe, we saw a *marchand de comestibles* selling train-oil, or a dealer in game in China with dogs hanging up beside his rabbits, we should conclude that there was a demand for these nastinesses, from people who would really drink the one, and eat the other. And so when Mr. Bentley (one of that triad of bibliopoles that are privileged to prefix *Mister* to their names,) finds it worth his while to issue such trash as the "Common Sense Tracts" in blue and gold, we must conclude that there are plenty of readers to remunerate him for his venture. Nay, the publisher himself, in the following "Advertisement" prefixed to the "London Homes," assures us of the truth of this conjecture.

"The unprecedented success of Miss Catherine Sinclair's works in America, has been known throughout that country these many years; but the reception given to "Beatrice," her last novel, has, in fact, exceeded that of "Uncle Tom's Cabin," in England. Above one hundred thousand copies were sold in a few weeks. A pamphlet was published by twenty-eight clergymen of New York, advising that each of their congregation should possess a copy. It has been recommended from the pulpit, a written testimonial to its merits has been sent to the American publishers by Father Gavazzi, and favourable notices of "Beatrice" have appeared in above five hundred newspapers and magazines, all of which testify to the deep interest of the story, as well as to the very important object it has in view."

We cannot for a moment suppose that this book has a merit superior to that of the leading publications of the present, or last, literary generation, or an interest beyond the work especially referred to in this advertisement. To

what then are we to attribute its "unprecedented success?" Undoubtedly to the "important object it has in view," that of blackening the character of the Catholic clergy by calumny to any extent, of distorting the doctrines and observances, of the Catholic Church without regard to truth or decency, and of making all its members, without distinction, objects of hatred or scorn, by the process of indiscriminate misrepresentation. A work written for this important object, and with these principles, may be considered sure of success, however moderate may be its literary worth, or the genius of its composer. What is the consequence? If this be the state of that great reading public which loves to take up its opinions with the least possible trouble, to suck in theology through a novel, and imbibe its morality from a tale, what wonder if caterers enough be found, to minister periodically to every morbid appetite, every unwholesome longing? Which may be cause and which effect, is as difficult a question here, as in any other similar commercial or moral problem. But the fact is certain, that the great amount of popular literature is ruled by the principle, that the huge reading public wishes to hear as little as possible about Catholics or their affairs; but whatever it does hear, it desires to be unfavourable to them. This is the key to the conduct of the periodical press, and to the lighter literature of the day. For as to the second of these, who is not astonished if he hear of travels in Spain, or in Italy, or even in Ireland, in which anything like a generous view is taken of persons or things, and more especially of what may be connected with religion? Head's Tour surprised nobody. Though from his previous writings, and from the open-hearted way in which he was received, many expected fair dealing from him at least; it could hardly have seemed strange to any one, that the usual treachery was practised, and the usual abuse of clergy and people formed the staple of his book. And so if the nuns of Cork admitted Mr. Titmarsh, alias Thackery, within their walls, no doubt they were not particularly amazed at seeing their sincerity doubted, or the vilest insinuations of Maria Monk cast against them. It is only when a traveller like Dr. Forbes comes out, to speak with kindness and friendliness of that people, that both Catholic and Protestant are astonished, the former at his justice, the latter at his temerity. Or look at even Mr. Layard,

whose business it was to treat of Assyrian bulls and cuneiform inscriptions. Still he gives us the results of his observations among many tribes of the East, with this constant law; that whatever is separated from Rome, though the main severance arise from a depth of heresy between, has his sympathy. Not only the Nestorians and Eutychians of Armenia or Kurdistan are respected and loved by him, but the very Yezidis or Devil-worshippers particularly engage his kindness, and impious and absurd as are their doctrines, he is ever their apologist and friend; while nothing but ill-natured remarks and insinuations escape him, about those Jacobite congregations which have happily, of late years, rejoined the communion of the Holy See.

Or if any one will examine the shelves of a circulating library, he will find, that, while any novel written in the spirit of a thorough hatred to popery is well bethumbed by a succession of readers, one which, like "*Alban*," takes a Catholic view, is hardly cut in the second volume. It is a Providence, that in history we have had given to the nation a writer like Lingard, whose gigantic merit will be better appreciated in each successive generation, as it sees his work standing calm and erect, amidst the shoals of petty pretenders to usurp his station. When Hume shall have fairly taken his place among the classical writers of our tongue, and Macaulay shall have been transferred to the shelves of romancers and poets, and each shall thus have received his true meed of praise, then Lingard will be still more conspicuous, as the only impartial historian of our country. This is a mercy indeed; and rightful honour to him, who at such a period of time worked his way into not a high rank, but to the very loftiest point, of literary position. Nor must we forget what is due to the lady-biographer of England's queens. But who can doubt that Macaulay knew and felt, that his work would have been less popular, if it had been more just; and that an immolation of the character of the Jesuits on the historical altar of a grateful country was only a necessary condition of the triumph it awarded him?

But the treatment of Catholics by the daily press gives us the best illustration of the principle which we are discussing. We need not dwell upon its mere silence respecting us; which we have observed before, the public expects, if silence would have to be broken by commendation.

Perhaps few Catholics are aware of the extent to which the insertion of letters was refused, during the paper war of 1850 ; letters merely in answer to gross misstatements in the papers which rejected them. But this is not what we mean : it is the way in which anything Catholic, however public, however important, is carefully excluded from notice. Let a conventicle be opened, or a distribution of prizes to take place at a Protestant grammar school, or a lecture be delivered at a mechanic's institute by an arch-deacon, or an alms-house be opened for half-a-dozen widows, and in some form or other it goes the round of the papers, daily and weekly, metropolitan and provincial, in one shape or another. From the laboured leader to the brief paragraph it affords a topic for the gossip of the day or the week, and is embalmed for posterity in the amber of printer's ink. But stretch the dimensions of the event to any possible extent on Catholic ground, make the meeting-house a cathedral, the school a college, the lecturer a bishop, or the alms-house a hospital, and we will answer for it that either the entire affair will be passed over in silence, or it will be huddled into a shabby, grudging, paragraph, in smallest type, and in the most inaccessible corner of the obscurest page. If it be brought out more prominently, be sure it is only to give a text for some scurrilous leader next day.

This silence is an intelligible expression, however, which has its advantage. It says better than words ; "The bulk of our readers do not want to hear anything about Catholics, unless it can be something against them. As we cannot find any particular point of attack at this moment, we will leave them in peace." Even the one paper, which through the whole war of the hierarchy boldly took our part, in many ways linked with that of its party, never on any occasion can be said since, to have breathed a friendly thought towards us ; to have noticed a Catholic event except in the most reserved tone, omitting most ; to have reviewed a Catholic publication ; to have noticed a Catholic periodical, monthly or quarterly, when expressly reviewing such books ; or indeed to have recorded the very occurrences, which the miserable efforts of the high-church party to gain convocation, and a sounder organization, would naturally have rendered somewhat interesting to its peculiar readers. This silence of the press, however, ought not much to displease us. We grow up quietly in

noiseless repose. When our attention is not turned outwards, it is more concentrated inwards; we are maturing our thoughts, we are cultivating our own soil, and laying up our fruit.

But this silence is not unbroken. Some of the daily papers, indeed, consider anti-popery game to be never out of season, and favour their readers with weekly service of it, variously spiced, but always sufficiently hot. They pass harmlessly by: spite and malice generally taking, in them, the place of any ability. But there is one, which, assuming the part of leading instructor to the nation, has of late gone so far beyond any other paper in periodical, unprovoked insult, that it is hard to account for its attacks except on the ground of its being a money-speculation, which must make its market by the article, however vile, that is most in demand. Consequently it keeps evidently a tame blasphemer in its pay, a sort of puff-adder, who lies by till he gets his venom up, and then, on being poked up by his keeper, springs up from his coil, and darts his forked tongue and shrill hiss from side to side, at everything that Catholics esteem most venerable or sacred, with a coarse flippancy that is truly disgusting; and then subsides, well fed no doubt, for a time, till another dose of the venom has been secreted, and the interests of the paper say: "Now is the time, at them again."

But the unfairness to which everything Catholic is exposed, at the hands of the enlightened and liberal press, is of so universal and subtle a nature, that it is really difficult to do it justice. We must rather seek a few illustrations. In the foreign intelligence, for instance, who ever looks for praise of the measures of any Catholic state, or blame of any proceeding from a Protestant one? Can any one doubt, that had Louis Napoleon, either as president or emperor, snubbed the French bishops, insisted on Gallicanism being taught and the French liturgies maintained and restored; had he commanded that all ecclesiastical students should graduate in a semi-infidel university; had he declared himself the special protector of the French Protestant consistory, and patron of the Bible Society; had he refused to assist the Pope against the rebels, or allied himself with the Mazzinis and Achillis; had he suppressed convents, or cut down the stipends of the clergy, he would have had all his measures very differently judged by the English press, and would not have been

subject to that mean and provoking series of attacks, which, for months, and years, continued almost daily to issue from its jaws? A Protestant German power may do its utmost to unconstitutionallize its states, may eat up all its concessions and promises made under pressure, may resume arbitrary power again, and scarcely a comment is thought necessary, to vindicate the rights of civil or religious liberty. As France is the constant theme of angry reprobation, so is Prussia just as sure to escape all censure, or only to earn commendation. The banishment of the editor of the *Volkshalle*, the restrictions upon ecclesiastical education, the arbitrary dealings with the Jesuits have been either overlooked by the papers, or cursorily mentioned without censure. And that kingdom might proceed to any extent of anti-catholic enactments without danger of the slightest reproof.

Indeed, returning to France, it has hardly been disguised, that the continued and spiteful attack upon its ruler arose from his being considered the patron of the ultramontane party, as it is called, and the friend of Rome. And here let us notice one of the many unjust and inconsistent dealings of our public instructors, in a matter bearing on this point. For years back, our press has invariably connected the illustrious name of Montalembert with this imaginary party. He was the very head and soul of ultramontanism, its mouth-piece, its orator, its type, its public representative. Count Montalembert and Ultramontane were synonymous, or convertible, terms. And what does this party or system represent, according to our press? It is the party, they will tell us, which is leagued throughout the world, to overthrow all constitutional government, to uphold despotism, to obstruct progress, to extinguish science and learning, and to bring all Europe under the slavery of the Church. Well; on two occasions the noble Count has come forward openly to oppose the measures of the state, or to plead powerfully in favour of constitutional government. The first was by boldly avowing his dissent from the measures taken against the Orleans property; and the second was by publishing his late work, on the Church, reviewed in a recent number. Now, if the Catholic ultramontanes of France, whose chief was Montalembert, looked up to the Emperor as their great supporter, and if the very first principle of the party was the destruction of constitution, and the

establishment of absolutism, this conduct is, to say the least, strange, if not unaccountable. Yet the fact was uncontrovertible, and it would have appeared natural to draw one of the two conclusions; either the Count was not what he had always been represented, an ultramontane; or it was not true, that ultramontaniam in religious opinion was incompatible with liberal principles of policy. Was either conclusion ever drawn by a single Protestant writer? Not a bit of it. Nay, not one word of praise did this able and eloquent defender of religion, of virtue, and of justice, ever get from the English press, or its "own correspondents," for anything that he wrote. No doubt, it was believed by some, that he is a Jesuit, and got a dispensation from Rome, to write and speak contrary to his party, for some useful purpose. And those pure teachers of morality will continue on to speak of him as a violent ultramontane, and consequently the decided enemy of constitutional rule.

We have just alluded to those mysterious gentlemen, "our own correspondents." Who they are, or what they are, the public knows but little. Sometimes a witty but unprincipled apostate, who sends off conversations in Rome the day before they are held; sometimes a recreant catholic who invents barbarous executions in Lisbon, which never took place; occasionally a gentleman who stabs to death a fellow-correspondent for an atrocious villany; oftener, perhaps, idle young men who have the privilege of smoking their cigars in the public *cafés*, and enjoy the intimacy of clerks in government offices; better at times industrious porers over the public papers and laborious makers of bad translations from them; and from time to time some one who gets himself thrown into prison, and his papers seized, makes a noise for a few days and figures in diplomatic notes, then subsides into better civility, towards the government which he has habitually misrepresented and abused:—in these various ways "own foreign correspondents" get known or heard of. No one would entrust to such persons the agency of his own private affairs, or the collection of information on which he would build his own plans of action. Exceptions there may be, and no doubt are; and some foreign correspondents may be highly respectable; but the greater part will be found to belong to one or other of these classes. Any one who has resided much abroad, knows how extremely difficult it is to become

familiar with natives of respectability, even when familiarity in their language has been acquired. Englishmen, in particular, are objects of jealousy, for many reasons which need not be detailed. But, from reading the accounts of foreign newspaper correspondents, one would suppose that they were the familiars of princes, the intimates of cabinet ministers, and the eaves-droppers of royalty. A year ago or more, it used to amuse us to follow the letters of the *Chronicle's* correspondent, on the financial operations of the French bourse; every rise or fall had been foreseen by that gentleman, who had taken exact notes of every private conversation between Louis Napoleon and his minister, could trace every variation in the stocks to some paltry trick, or manœuvre of the emperor, which *he* of course got wind of; and we came to the conclusion, not very respectful, that either the emperor was very weak and silly to confide his stock-exchange iniquities to the virtuous correspondent of a London paper in which he might find detailed next day their little tête-à-tête confidences, or that the correspondent was an impudent pretender, who fabricated his stories, according to his fancy of what would please his employers. Even when what he stated turned out most false, no note of it was made by them, but all was allowed to pass current.

But to bring these remarks to some purpose. It will be fresh in our readers' memory, how this same, or some other, veracious correspondent wrote about the Pope's coming to Paris, to crown the Emperor. Every detail of the negociation was known to him. Now a letter, and now an envoy was despatched; what Napoleon said, and what the Pope said, was as minutely told, as if the writer had been, *gentilhomme de la chambre* to the Emperor, or that mysterious personage renowned for gravity in French proverb, *le premier moutardier du Pape*. May was proposed as a fitting month; His Holiness replied that it interfered with church functions, and he should prefer a later season. The Pope, on his side, now demanded, as the price of his coming, that the Gallican propositions should be abolished. The Emperor was delighted; nothing more to his own ultramontane taste; they were of Bourbon origin, and he no doubt knew (this might be an "aside") what the Pope, with all his quick-sightedness did not seem to know, that to abolish Gallicanism was about as practical, as to suppress the feudal system, or forbid tournaments. It was just as

much a thing defunct. The Holy Father, the correspondent who no doubt saw his letters tells us, raised his terms; he had an over-eager customer to deal with. In addition to the Gallican propositions, he must have a sacrifice of the "Organic articles." This was a heavy blow—the organics were part of the "*idées Napoléennes*," a bold imperial device. It is true they were practically extinct; but the Pope was inexorable; and the "articles" were knocked down at so enormous a bidding. But Rome was insatiable; and the same correspondent, again no doubt either through the interposition of some well-bribed Mr. Mail-setter at the Radicofani post-office, or some secretary of state with whom he dined in the Rue de Rivoli, informed the public, that the Pope was determined to make a good thing of it, and said he would not budge a step from Rome, unless a large sum of money were paid down on the nail! Yes, the very sums were mentioned, for which he stipulated, towards paying his debts, and having something for himself! One would suppose that if sovereigns do such things as these, they take some pains to keep them secret. But of course from an English newspaper agent that is impossible; and therefore, all these successive revelations of state-mysteries were duly made known to the British public, and by that said public as duly accepted, for true and certain. We shall probably, be hardly believed, when we assure our readers, which we seriously do, that during all the time that these details of correspondence and conversation were being published, the subject to which they referred was not even mentioned at the Roman court; neither was there a remote idea of the sovereign Pontiff coming to Paris! So much for the veracity of foreign correspondence.

Let us further remark, that when Mr. Lucas, first in his admirable correspondence with the Madiati diplomatists, and then in his excellent speech on the same subject, in the House of Commons, accumulated instances of persecuting laws and practices in Sweden and the smaller German protestant States, every one was taken by surprise; our foreign correspondents had been dumb, the pens of the leader-writers had been paralyzed; and the British public had been kept in total ignorance of these nefarious transactions. Nobody had heard of such things; but what was worse, when made known, nobody cared for them. Let but a protestant be touched in a small Italian

state ; let a busybody of a biblical captain be sent about his business, and see how the country is alive to the persecutions of popish governments. Hark to the Globe, the Post, and the Herald, the Standard and the Daily News, how matched in mouth like bells, they open their cry, and hunt and bark for weeks ; while the more blood-hound-like Times waits till he can make one furious bite ! Popish game is up, and there must be no mercy. But let Nassau, or Wurtemberg, or Baden, annoy or persecute as to them seems best ; why should they give mouth ? Are not these hunting the very same game as it delighteth *them* to chase and tear ?

This studied suppression of any notice of the most atrocious injustices of foreign states against catholics, and the perpetual and unceasing exaggeration of everything that can be made into a grievance suffered by a protestant from catholics, of course tells upon the "constant readers," who each morning drink in their opinions with their tea, in the conscientious belief, that their particular paper contains the whole truth on every possible subject. The Catholics, all over the world are the persecuting body, and poor Protestants are everywhere the victims. Holland, for instance, went to bed one night, in unhierarchical security, and awoke next day with a sensation of strangling, the Pope having put his foot upon its neck, and collared and manacled it with an Archbishop and suffragans, no more expected there, than Cardinal Wiseman was by Dr. Cumming at Exeter Hall, when he invited him thither. Nay, within these few days, a paper which deals particularly with foreign politics, spoke expressly of the establishment of this Dutch hierarchy as an "unexpected" blow from the Holy See.

Yet, in 1848 this matter began to be deliberated in the States-General ; and we have before us the revision of the constitution proposed at the sitting of the 20th of June, with the debates upon it. In 1849 and 1850, the debates on liberty of organization by each religious community were continued, and we will quote one passage from the speech of M. Luyben, to show how clearly the matter was before the Chambers.

"On pensera probablement aux scènes arrivées à Londres et ailleurs en Angleterre, par suite de la nomination du Cardinal Wiseman comme archevêque de Westminster.

"Ce serait là nourrir d'injustes soupçons : car si pareille chose

arrivait ici, le Gouvernement ferait punir les perturbateurs, mais ne mettrait point en cause les ministres de l'Eglise. Ceux-ci en effet ne sauraient être responsables de la perturbation de l'ordre par d'autres, ni des désordres à commettant peut-être par la populace, à l'occasion de l'exécution d'ordonnances ecclésiastiques, dont la Constitution garantit la liberté."*

The minister of foreign affairs rose and assured the Chambers, that not only did the government guarantee liberty of organization to every ecclesiastical body, but that it desired such organization to be adopted as secured to it most self-government (*autonomie*), that is in the case of Catholics—a hierarchy.

The matter went on through 1852. In the following year, the report on the Budget contained this explanation. "The organization of the Roman Catholic Church in this country, of which there was question in the last budget, has not as yet been able to be carried into effect: but there is reason to think that it will not be long delayed. It is some time since the Holy See informed the government, that it was desirable to arrange definitively the affairs of the Roman Catholic Church in this country. This communication has given rise to a correspondence between the representative of the Holy See at the Hague and the Government; which still continues."†

In the sitting of the 29th of November in that year, the "minister of justice charged, provisionally, with the direction of the department of Catholic affairs," M. Strens, said that "the government had declared on its side, that according to the provision of our constitution, the Holy See was at liberty to establish the organization becoming the Roman Catholic Church; but that the employment of this power involved the abolition of engagements proceeding from the Concordat."...He further stated, that "the Holy See had declared its intention of proceeding on this basis to such organization; and that the government was waiting for further communications as to the time and form of that organization."‡

And coming to this correspondence, on the 27th of April of this year, the King communicated to his Chambers, that

* Extraits des Documents échangés entre le Gouvernement et les Etats-généraux. La Haye 1853, p. 48.

† P. 61.

‡ P. 80.

there had never been any difference of opinion in his cabinet, as to the rights of the Catholic Church to regulate "its interior situation;" but that there had been difference of opinion, as to the origin of a motion to that effect; the King having resisted the suggestion that it ought to proceed from the crown. Consequently, the first step was a note from Mgr. D. Belgrado, the Internuncio, dated December 9th, 1851, in which he clearly expressed the wish and intention of the Holy Father, to re-establish a hierarchy in Holland. The reply of March 24th, 1852, repeated the assurance that the Church had the full right to do so, reminded the Internuncio of the consequences in reference to the Concordat, and concluded in these terms: "Parting from this point of view, and with this reservation, the undersigned is authorised to declare, that no obstacle exists to the free organization of the Catholic Church in this kingdom. *He hopes*, however, that His holiness, before carrying it out, will be good enough to communicate it to the government, as well as the time when it will be effected: the government is convinced that such communications will be only favourable to the views entertained by the Holy Father."^{*}

In a note of August 14th, 1852, from the Minister of Foreign affairs, we perceive a first tendency to run off the bargain, and to make out grievances; but this was met by a clear and explicit yielding on the part of the Holy See of all claims under previous stipulations in 1827 and 1841, which formed the ground of the complaint. This was on September 17th of last year. On the 20th the minister advised the King to acknowledge this reply, "adding, that the declaration made to him on the part of His Holiness the Pope, satisfies our desires, and to record at the same time acceptance of *the unofficial communication* made by Mgr. Belgrado, of the Holy Father's intention to give previous notice of the mode and time of the ecclesiastical organization."[†] In the note by which this was communicated, the latter circumstances was mentioned in this form: "The undersigned is also commissioned to *express the consent* of the king's government, to what Mgr. Internuncio has been good enough to communicate unofficially (*officieusement*), that the Holy See, before proceeding to

* P. 95.

† P. 104.

the organization of the Catholic Church, has the intention of making it known, as well as the time when it shall be made, to the royal government."*

On the 7th of March, of the present year, the Pope, in a secret Consistory, according to the usual practice, communicated to the Cardinals assembled, the institution of the hierarchy in the Netherlands; and copies of the Allocution were communicated to the Government, both through the Internuncio and through the Dutch Minister in Rome. Instantly the Government showed itself offended, and spoke as if taken by surprise. Whether this was in obedience to a pressure from without, or to a pique within, it is not easy to decide. The latter would appear from the letter of the Minister of Foreign Affairs, which we think it well to give here in full:

La Haye, le 7 Avril 1853.

MONSIEUR LE COMTE !

J'ai reçu les exemplaires que vous m'avez expédiés de l'allocution Papale et des lettres apostoliques, concernant le rétablissement de la hiérarchie épiscopale aux Pays-Bas. Je n'ai pas besoin d'insister sur ce point qu'une communication *préalable* nous aurait été plus agréable, en ce qu'elle nous aurait fourni l'occasion de faire valoir nos observations, tendant à éviter tout ce qui peut compromettre le succès et la marche régulière d'une affaire, dont personne ici ne se dissimule la gravité.

Je me plairais à croire que la cour de Rome, appréciant, comme il le méritait, l'esprit de justice et d'impartialité, que le gouvernement n'a cessé d'apporter dans ses rapports avec le St-Siège, n'aurait pas vu d'inconvénient à lui donner cette preuve de confiance et à lui faire en temps opportun des ouvertures, propres à amener de commun accord le résultat désiré. La cour de Rome n'ayant pas jugé à propos d'en agir ainsi, ou ayant été très-mal servie par son représentant à La Haye, ne pourra que s'imputer les difficultés que rencontrera peut-être l'exécution de la mesure; difficultés que le gouvernement du Roi, s'il avait été consulté, aurait peut-être été dans l'occasion d'écarter ou d'atténuer.

Vous êtes chargé, Monsieur le comte, de communiquer ce qui précède à Son Eminence le cardinal Antonelli, et je vous prie en outre d'agréer l'assurance de ma haute considération.

(Signé)

DE ZUYLENDE NYEVELT.

It will be seen by this document, that the Government does not pretend to ignorance or surprise; but only regrets

that more confidence was not shown it, by a previous communication of details, on the ground that it would thus have been better able to co-operate with the Pope. In another letter, of April 13, it is intimated that the Government would have wished the Pope's Allocution and his proposed arrangements to have been previously communicated to it; a measure never hinted at in previous correspondence, and at variance with the repeated declarations, that by the law, the Catholic Church was perfectly *free* to organise itself as it thought proper, and with the surrender exacted of all previous claims, as the condition of this exercise of liberty.

It may perhaps be thought, that the Internuncio's unofficial promise of a previous communication was not kept: and that this was the ground of complaint. But we have given the above letter in full, to show that no such ground was taken; and in fact it could not have been taken.

In a dignified and masterly diplomatic note from Cardinal Antonelli to the Dutch Minister, His Eminence takes this allegation to pieces. He refers the new Ministry to the long correspondence between the two Governments on the subject of the hierarchy; and observes: "It was then of necessity seen and declared, that the supposed promise did not exist, of a further communication as to the time and manner which the Holy See reserved to itself to choose, for the execution of the measure in question. Yet, even supposing that the King's Government had thought it right that such a communication should be made to it, still the want of it would not constitute any title of irregularity on the part of the Holy See, after the official and complete communications made...and followed by the declaration, unrestrictedly made by the Government itself, that no obstacle was opposed to the free organization, by the Holy See of the Catholic Church in the Netherlands.....In the meantime, the Holy See, willing to give proofs of that condescension with which it habitually acts on all occasions that circumstances permit, *has not omitted to convey to the royal Ministry, employing for this purpose the unofficial (officieuse) channel, the ulterior communication desired*: and the Holy See holds positive documents, from which it results, that *this communication was really made* to several members of the Ministry, which soon after resigned; and that, on this occasion, assurance was given, relative to the matter in

view, that the erection of the five churches (to form the new hierarchy) would meet with no opposition.”* This statement was of course not agreed to: but the Government now fairly run off its former ground. All the fine liberal declarations of ministers go for nothing; they do not constitute a law, but only express their opinions. The constitution does not empower each religious body to organise itself; it allows the king to grant permission to do so. The establishment of the hierarchy is not an accomplished fact; but requires a new law to enable Government to treat with it. What, then, was the meaning of negotiating with the Holy See for the abandonment of all claims under two former conventions, and the accepting of its renunciation of them, if nothing whatever was to be given in return? It is impossible to read the entire correspondence without seeing in the transaction the shabbiest piece imaginable of diplomatic tergiversation, or the clearest exhibition of the truly illiberal feeling of a Protestant government towards its numerous, and most faithful, Catholic subjects. So long as it involves nothing, all is generous, liberal, impartial: the moment a right is exercised by us, freely till then acknowledged, the bland smiling face is corrugated with spite and hatred, and the genius of persecution grins through the assumed mask. So it was with liberal England, when Catholics obtained their hierarchy; such it has been with no less liberal Holland, when its Catholic subjects took their rulers at their word. A paltry legislation has been the result in each country, sufficient to chronicle for future ages the existence of religious animosity, sufficient to estrange, annoy, and ruin confidence, without the power to undo, or repress.

But can any one pretend, after what we have cursorily quoted, that the establishment of a Catholic hierarchy in Holland was “unexpected,” or was a blow suddenly struck, as has been again and again stated by the press? Did a single paper, for instance the *Chronicle*, which has put forward the most ridiculous claims of a handful of Jansenists to be the Church of Holland, lay before the English public, the true nature of the transactions between the Holy See and the Government of the Netherlands, or quote documents which could vindicate the former? Cer-

tainly not ; it is too absurd to think of the generous British press vindicating Catholics, or blaming a Protestant power, for the tribute of imitating the conduct of English Whigs, in a similar case. Were a hundred persons, at random, interrogated as to the real history of this affair, if they had heard of it, we venture to say, that their impression would be, that of a sudden, and without the least warning, the Pope created a new hierarchy in Holland, contrary to the laws and constitution of the country.

One of the hacknied, but successful, arts for imposing on the public, is the use of certain phrases, which assume the most atrocious untruths as certainties, and impose on ordinary readers, as evidence of an experience and knowledge in the writer, which they may safely bow to, and build their opinion upon. Thus, in the columns of some papers we shall frequently find such axioms as the following, opening an attack upon the Holy See, or the Catholic religion : " Every one is aware of the unscrupulous means resorted to by the See of Rome, to disturb the peace of states." " It is well known that the Propaganda, through its emissaries, is endeavouring to destroy liberty in every country on the Continent." " It would be insulting to our readers to suppose them ignorant of the fact, that the Romish priesthood is carrying on a universal conspiracy against education and progress." " It is a matter of notoriety, that the partizans of Popery are ready to unite with the most violent factions, for the overthrow of Protestantism, and the spread of superstition and ignorance." Now, the reader knows of no such thing ; nor does the writer. But the former takes it for granted that no honest man would write thus, unless he had before him the clearest evidence of facts, for such sweeping and startling assertions ; and he is not much wrong. His error lies in taking it for granted that he is listening to an honest man ; when in fact he is attending to one who does not hesitate to make the most calumnious assertions about millions, to say the least, as good as himself, without a single proof to back him, if he were called upon to produce it. He could not allege one fact in evidence of what he boldly asserts to be notorious. The very boldness of the lie makes it pass current.

Let us give a recent instance of the facility with which Catholics are contrived to be dragged in, as scape-goats for the most truly Protestant atrocities. There has been

lately, as all the world knows, a searching investigation into the Birmingham Borough gaol. How indignant was the press at the dungeons of Naples! How Englishmen plumed themselves on the impossibility of arbitrary punishments being inflicted on a free subject, or the existence of anything in the shape of torture in this civilized country! Soon after the horrors of Neapolitan imprisonment had been exultingly detailed, to excite the religious antipathies of the Protestant population, we well remember that the *Times*, without any ground for it, but simply to indulge its natural feelings, gave a leader on the prisons of Rome, expatiating on the dimensions of the cells, and the want of those improvements which evince the superiority of England, even in the amenities of incarceration. Now, let us suppose that "the leading Journal" could have added, that in the prisons of despotic Naples, or priest-governed Rome, the unfortunate inmates were subjected to extraordinary, supererogatory inflictions from prelate-governors, or sacerdotal turnkeys; that boys were kept for days fasting and then scantily fed on bread and water; without taking to account the external application of this by buckets-full; that they were left to finish their shamefully apportioned tax-work in the dark, till they had inflicted on themselves 14,000 instead of 10,000 measures of it (for which no allowance was made,) and then were left without bed or light for the night, and had to begin again next day; that they and men were throttled by a high-collar, and braced up in a jacket that inflicted cruel pain, and then were strapped up for a day to the wall, like the worthy whom the friends of Ulysses surprised in his armoury,* or had a bag of nails put on their heads to keep them from shouting in their rage or agony; in fine, that prisoner after prisoner attempted suicide, too often successfully, to escape from this hell upon earth; what, we confidently ask, would have been the terms of execration that would have broken from every lip, and echoed through

* "Active and pleased, the zealous swains fulfil
At every point their master's rigid will:
First fast behind, his hands and feet they bound;
Then straitened cords involved his body round:
So drawn aloft athwart the column tied,
The howling felon hung from side to side."

Pope's Odyssey, xxii. 205.

the walls of meeting-halls? How would it have been boasted, that, thank Heaven, in this free, enlightened, and Protestant country, such things could not by possibility happen? With educated men for governors, and most intelligent men for visiting justices, such enormities could not be.

And yet such enormities have been till yesterday, and probably are going on till to-day, in large and populous towns, with a free press, a shrewd population, and wise magistrates. Some years ago, a romance of the raw-head-and-bloody-bone, or Sinclair, character appeared in Paris, entitled, "*Les souterrains de Birmingham.*" This was before Mr. Spooner discovered the Oratorian dungeons at Edgbaston: and really the title sounded so ridiculously unromantic, that the terrors of the book were destroyed. But now, "*La prison de Birmingham,*" would make as good a title as "*La prison d'Edinbourg,*" the prosaic translation into French, of "*The heart of Midlothian.*" Well, we ought to hang our heads down in shame, before the foreign nations that we have insulted. Of course it would be baseness to do so, or to apologise to them. On the contrary, we were disgusted at reading in a paper, generally liberal, that when the experiment of a prisoner in his collar and jacket was exhibited to the commissioners, "*the scene was pronounced by all to be quite disgusting, and worthy of the Inquisition!*" Some Catholic term of comparison must be found to extenuate home and Protestant delinquencies. It is as if a man should say: "*well, it is true, our prisons have been disgraceful, and we have been inflicting tortures in the nineteenth century,—we, the most civilized and just people on earth; but, take heart, honest John Bull, the papists were as bad in the sixteenth century, when they had an Inquisition.*" Let us suppose that the renowned Dr. Achilli, in his "*Dealings with the Inquisition,*" had described as inflicted on him every one of the tortures above rapidly sketched; no doubt every word of his account would have been swallowed by the public. Then, let us further suppose, that he had summed up his narrative in these words: "*in fine, the cruelties practised upon me, were worthy of an English Borough goal, and such as may there be seen every day;*" what would have been the feelings of indignant denial that would have been excited! Yet, in such a statement, the Inquisition would have represented fiction, and the Gaol reality.

We would recommend the writer of the paragraph alluded to, another time not to go quite so far from home, for a parallel, but seek and find it, in the Tower, under Elizabeth.

But this forgetfulness of the gentle dealings of Protestants with Catholics is quite habitual. A short time ago a negociation was brought to a close between the English and Spanish government, about a Protestant cemetery, to be established at Madrid. The last document in the affair was a most undiplomatic, jeering letter, from our Ambassador at the Court of Spain, in which the extreme superiority of Protestants over Catholics, in point of liberality, is quite loftily assumed. Of course the press followed in his wake; and the most insulting things were said against Catholic Spain, till the "leading journal" was excluded from circulation in the country. Now, the two points laid hold of, by Lord Howden, and most merrily handled were these conditions, 1st, that there should be no funeral pomp in conducting the body to the grave, and 2nd, that there should be no religious office at the cemetery itself. The first condition the ambassador interprets, as meaning almost that the body shall not be taken there at all; whereas it is clearly intended only, that for fear of disturbance in a very sensitive population, there should not be such a procession, as Spaniards would understand by the word; with lights, chanting, and a large body of attendants. They do not probably know, as the "Times" by way of exaggerating their offence, told them, that in England a funeral is an undertaker's affair and not the Church's; that ostrich-plumes and not crosses, black scarves and not surplices, mutes and not choristers furnish forth the expression of feeling with which Christians are carried to the rest that awaits resurrection. And again, it is well known that in Spain, at Cadiz, Malaga, and elsewhere, the lugubrious service of the Church of England is allowed to be said over the grave, by any gentleman, lay or clerical, who will undertake it.

But be all this right or wrong, look at home. Who does not remember the celebrated proclamation about religious processions, one of the few official monuments left on record by the Derby-Disraeli cabinet, which on the very same ground as was urged for Madrid, the danger of breach of peace, forbade Catholics to go in procession along any road, recalling to mind, and reviving the penalties of

an obsolete clause in the Emancipation Act? Did not this prove that our government considered our population as quite as bigoted and quite as religiously inflammable as that of Madrid, and so prohibited us under penalties (which the Spanish authorities have not done,) from carrying our dead with *our* funeral pomp to the grave? Hence at the funeral of the late Earl of Shrewsbury, though the whole line of procession was through his own property, the funeral *cortège* was not permitted to go on foot, but mitred bishops had to follow in carriages. But what is much worse, and goes far beyond the reprobated illiberality, as it is called, of Spain, is this; that while Catholics in England are obliged to pay rates for the keeping up of burial-grounds, not only they are not permitted to have such an office as alone they can approve, performed over the remains of those dear to them, but they are compelled, in spite of their best feelings, to listen to a service which at least is alien to their principles, recited by a clergyman, who looks on the coffin before him as containing the corpse of an idolator, and is considered by them as separated, in all religious communion, from them by an intervening gulf, deeper than the grave, of schism and heresy. Now let us imagine that the Spanish government had insisted upon a Nocturn at least of Matins, (if not a Mass,) being sung over the body of every Protestant deceased in that country, by the Padre Cura, and his clerks, and payment of fees for the obnoxious rite being made to him, before interment, with exclusion of the smallest interference of an English clergyman, what would have been the outcry then? Would that not have been pronounced abominably narrow-minded, illiberal, uncharitable, and so forth? Now why not be generous, and in these days of table-turning, turn the tables upon home? Then why does not that jealous guardian of liberty, the press, exclaim, that Protestant law in England acts in a far more illiberal and intolerant way to Catholics, in the matter of funerals, than Spanish Catholics do to Protestants? and we are children of the soil, and what is more, rate payers, and they are aliens and mere sojourners.

We have no want of further specimens of combined ignorance and injustice when discussing points affecting Catholics: such was a memorable article in the *Times* on the scientific claims of Italy, in comment upon Cardinal Wiseman's Lecture at Leeds; in which the writer shows

on the one hand total ignorance of the subject, and on the other a most determined spirit to misrepresent the argument. Scientific men were ashamed at so narrow-minded a display of weakness, in which it was sought to rob another people of the well-earned laurels, which have been long ungrudgingly awarded to it. But as that is a matter of rather remote date, we will close this paper by a few words, on the existing revolution or rebellion in China.

It is well known that a rebellion has been gradually subduing that overgrown Empire, and is creeping on from province to province, with a steady purpose, a mysterious direction, a persevering activity, and a premeditated system. It organises as well as destroys; it introduces a new system of government; it does not contemplate merely an overthrow of existing rule, but the substitution of something better in its place. What is the unseen principle that rules the destinies of this vast movement, which has abolished at once the pig-tails and the worship, of several provinces? At first it was said to be Tièn-tè, a young man whose portrait was extensively circulated in China, and is given us by Messrs. Callery and Yvan, in their interesting account of this mighty revolution. He pretended, it was said, to be descended from the last king of the Ming, or Chinese dynasty; and, enshrouded in the sanctuary of a yellow palanquin, he was supposed to issue, from behind its mysterious curtains, the commands which gave movement and energy to a vast army, and wisdom to a newly emerging state policy. But Tièn-tè has disappeared; no one knows how. The imperial Government published his last dying speech and confession, and gave him out for taken prisoner, and duly hung, bowelled, and quartered. Was he so? or was Tièn-tè really only an idea, a fiction, which ceased with the want of it? No matter: Tae-ping is now the leader of this rebel army, and has already obtained possession of Nankin.

It was very soon discovered by the more protestant portion of the English press, that this rebel horde was neither more nor less than an army of evangelical Christians, who somehow or other had learnt the ten commandments, and knew something of Our Lord. The *Herald*, we believe, peculiarly exulted in this discovery, boasted of having, from the beginning, penetrated behind the veil of yellow hangings, and seen there enshrined the Holy Scriptures: it elaborately proved that *war* was sometimes lawful (we

suppose it meant *rebellion*) and, diving into the future, it foretold the speedy conversion of China's hundreds of millions to that pure gospel religion, which ranges between Canterbury churchism and Mormon free-living. Every people, it said, which takes up the Bible and becomes Christian, is sure to be Protestant: and this we see already is the case here. This proposition is quite true. For as Protestantism signifies believing just what you choose, down to the most evanescent shadow of a religious idea, whatever crude system an ignorant and morally degraded people may take up from the Bible, and call its religion, is of course a new form of Protestantism. Hence, according to this theory, and in harmony with these boasts, we must believe the Chinese evangelical Protestant Christianity to be constituted somewhat as follows. A set of men who have never been baptized, and do not dream of it, who have no priesthood, no sacraments, no outward Christian rite, who do not believe in the Trinity, or in the Divinity of Our Lord, or in Him except as an elder brother of T'ae-ping's, who has been as much in heaven as He, and has been commissioned by Him to murder and massacre all Tartars (or some such thing); who worship their Ancestors (the genuine Chinese superstition) with downright idolatry; but who have the decalogue as their moral code; in which they have interpolated a prohibition against opium, as equivalent to adultery: who practise polygamy and concubinage to a frightful extent, and who profess to be divinely sent on the express errand of exterminating the Mantchu race in China, men, women, and children, to the amount probably of some millions. Such is the respectable phase of Protestantism, which has been hailed and welcomed by the English press, and even vindicated by it. It would appear, indeed, that some knowledge of the Bible is possessed by the leaders of this movement; but it would appear to be confined to the first book of each Testament. This is just sufficient for them to learn enough, to enable them to blaspheme our Lord, and to justify the extermination of whole nations, as being God's enemies. Can we imagine a fanatical race bent upon the destruction of another people, any way better urged on to the execution of their design, with every circumstance even of cruelty, than by having put into their hands, without note or explanation, and without the correctives of a new dispensation of love, the earlier books of the Old

Law? Yet this possession seems to constitute, in the eyes of many Protestants a sufficient claim to Christianity!

We have, indeed, been astonished at the slight way in which the atrocities and immoralities of these new proselytizers of the sword have been treated by the portion of the press, which regards them as an infant Church in the East. But we are less surprised at the total silence it has held respecting the persecuting spirit which it has displayed towards native Catholics, that is, in reality, the only native Christians. We are not surprised much, we say, at this, because, probably, a hatred of Catholics, manifested by persecution of them, and even cruelty, is considered, by those enlightened and moral public instructors, only as an additional evidence of the Protestantism of these rebels. See even how gently the *Athenæum* of last week (No. 1351) speaks of this antipathy.

"The members of the Association have no religion except a sort of worship of *Ancestors*; but I have no doubt that the leaders would engraft the Protestant form of Christianity upon their institutions if they could do so without decreasing their own influence, of which they are excessively jealous. One thing is certain,—that their jealousy of the Roman Catholic Propagandists is so intense, that they will root them out if they can. This jealousy arises from the influence acquired by the priests over the minds of their converts, being beyond that to which the highest even of the leaders of the Association ever attain. The feeling has recently been exhibited in the destruction, by the 'rebels,' or 'patriots,' of the images and pictures of the Roman Catholic chapels."

This "destruction of the images and pictures in the Roman Catholic chapels," happens to amount to the barbarous murdering of the Catholics themselves. We think it right to record here the following account given by the Apostolic Administrator of Nankin, dated Shanghai, June 8, as published in the *Univers*, and thence translated in the *Catholic Standard*.

"The insurgents arrived on the 8th of March before the walls of the town of Nankin, and established their camp in 28 divisions. They dug mines under the walls, and filled them with gunpowder, and on the 19th partially blew them up, together with the eastern gate. Immediately after a signal was given, and they rushed—some to the breach, and others to the wall—with an impetuosity which alarmed the defenders. In their first attack they made themselves masters of the town. The mandarins, who were not

able to escape, were seized and put to death. On the 20th of March the insurgents spread through the town, and carried everywhere terror and death. A venerable old man, chief of the Christians, was killed in his house, with his eldest son; his second son was grievously wounded, the third was carried off captive, and the youngest ran away. On the same day four other Christians fell in the *melée*. On the 21st of March the family Tseu, the wealthiest and most distinguished among the Christians, were driven from their house, which the insurgents required for their chiefs; and 31 members of this family were confined in a neighbouring house, and were there burnt to death. Two young men belonging to the same family, aged 17 and 18, who were absent when their relatives were burnt, have just arrived at Shanghai having begged their way a distance of from 70 to 80 leagues. Five other members of the same family were also absent at the execution of the 31, but it is not known where they have gone, nor what has become of them. All that belonged to the Christian community of Nankin—church, ornaments, money, and papers—were deposited with the family Tseu, and consequently all are entirely lost. The same day several persons entered the chapel of the town where the Christians were assembled, and recited the prayers of the Holy Week. They forbade prayers on the knees, and wanted the Christians to recite, seated, the new prayer of Tien-Fou. The Christians replied that they were Catholics, and did not know any other religion. It was notified to them that if within three days they did not obey, they would all be decapitated. On the 24th of March some wretches entered the chapel, and attempted to do violence to some young Christian women, but they were soon obliged to leave, and since then there have been no attacks of the kind. In the afternoon a new summons was made to adore Tien-Fou; a new refusal was given by the Christians, and new menaces followed. On the 25th of March the Christians were adoring the cross, according to the custom on Good Friday. The insurgents entered all at once, crying and menacing; they broke the crucifix, overthrew the altar, and then wished to have their prayer recited, at the same time presenting the Christians with books in which it is written. A catechist took a religious book, the 'Explanation of the Commands of God,' and presented it to one of the chiefs. He hastily examined it, and returned it, saying, 'Your religion is a good one—ours is not to be compared to it; but the new Emperor has given his orders, and you must obey them, or die.' After summonses, which were repeated in vain, the soldiers seized the Christians, and tied their hands behind their backs. The women and children exhorted the men to suffer with a good heart for their faith; they were bound and ill-treated in their turn. All being thus bound, the men were told that they would be conveyed before the tribunal of the Emperor, to hear their sentence; the women and children followed them, and all went gaily. When they arrived at the tribunal they were

kept for some time in outer rooms, and then some officers presented themselves, and told them, on the part of the Emperor, that, as they would not obey, they were all condemned to death, and were to be executed at the western gate. They were sent off to the place of execution ; but at the door of the tribunal an old man, who was unable to walk, was beheaded. The others arrived together at the designated place ; they were about 100 in number. New demands were made upon them to do as they had been desired, but they constantly replied, ' We are Christians ! ' Many threats were made, but no one was executed. Towards the evening all were brought back to the town, and conveyed to a great store, which was formerly the church of Nankin. They there passed the night with their hands bound, and some were attached to columns. One succeeded in unbinding himself and escaping. The day after new threats were made, and some blows were given. On Easter day all expected to die. Some officers entered the place, and asked if they would recite the prayer. Some said, ' You should kill them all, for they will not obey ; ' but another answered, ' No ; for in that case they would have what they desire, while we should be guilty of sin ! ' However, all the Christians remained firm, and yielded nothing. Some women especially, and even some children, cried, ' Kill us all, that we may be martyrs, and go to Heaven ! ' Some of the soldiers, despairing of being able to subdue the courage of the women, and no doubt not having orders to kill them, opened the door of the storehouse, and forced them to leave with their children. They all went to the chapel, where they have since remained with the children ; they are between seventy and eighty in number. The men remained in the store with their hands more tightly bound than on the first day. On the 28th of March some young men, fatigued with suffering, and dreading new torments, persuaded themselves that they might recite the famous prayer, because it contained nothing contrary to the dogmas of our holy religion. After having protested that they intend to remain Catholics, twenty-two recited the prayer, and were immediately unbound ; but the others declared that they would rather die than recite it, before they knew that it was good, and some of them, in consequence, were cruelly beaten. Since then those who wavered have felt greatly humiliated, and regret that they did not imitate the firmness of their brethren, and the courage of the women and children. While the women and children remained in the chapel, without a single man to assist or protect them, the men were ordered to serve the insurgents either as soldiers or labourers. Ten of them, who were taken to fight against Tseu Kiang, took advantage of an obscure night to leave their ranks and run away. They have come here to recount to us what they have witnessed. It was on the 14th of April that they succeeded in escaping. Since their departure from Nankin they have heard say that the insurgents have sent a good many women and children out of the town. The

bridge of the great canal is said to have given way beneath the crowd, and more than a thousand persons are said to have been drowned. We are not aware whether any Christians left on that occasion. We have also received news from Yang-Tcheu. On the 1st of April the rebels entered the town, without meeting any resistance. However, they committed the same horrors as at Nankin, and the Christians were not spared. They took the officers of the chapel, bound them, and carried them off with their families. They wanted them all to recite the prayer of Tien Fou. Thereupon two catechists stepped forward and clearly explained our dogmas and our usages. As a punishment for this, it was ordered that three hundred blows should be given to one and five hundred to the other. It is not yet known if they have been able to survive this cruel flagellation, and other bad treatment to which they were subjected. On the whole, out of six hundred Christians in Nankin, Yang-Tcheu, and Tseu-Kiang, fifty have been slain or burnt to death, and several have been bound and beaten. Most of them have lost all they had, and remain captives, exposed to all sorts of dangers for the soul and the body."

We are really quite ready to take from this document, our estimates of the two classes of Christians in China, the old, patient, martyr-race of the Jesuits' formation, and the new bible-reading, murdering, exterminating tribe, with which the Protestant people of England is called on to fraternise.

We might say much upon the similar manner in which the attempts at massacres in Milan and Rome are treated by the same writers. We may confidently anticipate, that if the men who plotted cold-blooded, wholesale assassination in Rome on the 15th of August, be tried and condemned, the whole press will be up in arms, as it was in defence of the convicted murderer, Murray, and cry out against what are called political offences being treated severely. But scarcely a feeble expression of disapprobation has escaped it, of the nefarious plot, and its possible frightful consequences.

What shall we conclude from all this? We say to Catholics, be true to yourselves, and trust not your interests to foreign advocacy. The press is leagued against you, either to bury you in oblivion, or drag you forward to scorn. It is to you either a grave or a pillory. Expect no kindness, no generosity, no fairness from it. Look not to it to advance your views, or promote your desires. But fear it not. Our Lady of La Salette will have her sanctuary built, and her pilgrimage crowded, in spite of the

Times; convents will flourish for centuries to come, after the very name of the *Herald* is forgotten; the Papacy will exercise its supremacy, notwithstanding the *Globe*; and the Catholic Church will stand, however much the *Chronicle* may ignore its existence out of Puseyism. Let us go on quietly improving ourselves, and edifying others; and the time will come, when the tongue, and the pen, (which is the tongue that speaks to thousands) sharpened as swords, will be found to have wounded only him that wielded the unholy weapon; and the patient and the meek will be proved to have been stronger than the cunning and malignant.

ART. VII.—1. *Address to the Clergy of the Dioceses of Dublin and Glandalagh and Kildare, on the recent Changes in the System of Irish National Education.* By RICHARD WHATELY, D.D., Archbishop of Dublin, 8vo. London: Parker, 1853.

2. *Conversions and Persecutions: A Charge delivered at the triennial Visitation of the Province of Dublin in the Year 1853.* By RICHARD WHATELY, D.D., 8vo. London: Parker, 1853.
3. *Reports of the Commissioners of National Education in Ireland, from the Year 1834 to 1851, inclusive, 7 vols.* 8vo. Dublin: H. M. Stationery Office, 1851-2.
4. *The Nineteenth Report of the Commissioners of National Education in Ireland, (for the year 1852,) with Appendices.* Vol. I. Dublin: Thom and Sons, 1853.
5. *Lessons on the Truth of Christianity: being an Appendix to the Fourth Book of Lessons.* For the use of Schools, 18mo. Dublin: Published by Direction of the Commissioners of National Education in Ireland, 1850.
6. *Introductory Lessons on Christian Evidences.* Tenth Edition. Revised and enlarged, 18mo. London: Parker, 1849.
7. *Introductory Lessons on the History of Religious Worship.* Being a sequel to the "Lessons on Christian Evidences." By the same Author. Second Edition, 18mo. London: Parker, 1849.
8. *Scripture Lessons for the use of Schools.* Old Testament, 2 vols. 12mo. Dublin, 1850.

9. *Scripture Lessons for the use of Schools.* New Testament, 2 vols. 12mo. Dublin, 1850.

10. *Sacred Poetry*, adapted to the Understanding of Children and Youth, 18mo. Dublin, 1845.

A FEW years since a distinguished prelate of the Established Church published a Discourse "on the Search after Infallibility," which attracted considerable notice at the time. It was directed against those Romanizing tendencies among Anglicans, from which the Establishment had been suffering so severely. The spring of all these tendencies it traced to what it described as a powerful, though vicious, principle of human nature, "the craving for infallibility in religious matters;" and the great lesson which it inculcated was, that we are "to trust in God, and not transfer our allegiance to uninspired men;" that we are "not to expect infallibility in ourselves, or in our ministers, or in any uninspired man;" but "must in our own persons, 'prove all things, and hold fast that which is right.'"^{*}

Those who may chance to remember Dr. Whately as the author of that remarkable Discourse, will be no little surprised, we are sure, to discover that, in his Grace's present *Address to the Clergy of Dublin, Glandalagh, and Kildare*, this "Search after Infallibility" is at length brought to a happy termination; and that he has himself discovered a tribunal which "puts an end to the work of enquiry at once and for ever; which relieves us from all embarrassing doubt and uncomfortable self-distrust;" which "prescribes on every point what we are to believe and to do;" and thus "relieves us from all trouble and anxiety, and from all necessity of acting on the Apostle's warning to 'take heed unto ourselves.'"^{*} They will be still more surprised to find that, at the very time his Grace was warning the youthful candidates for the ministry against this weak and corrupt "craving after infallibility," the danger lay nearer to their doors than in their confiding simplicity they had ever dreamed of suspecting;

* The Search after Infallibility, considered in Reference to the Danger of Religious Errors arising within the Church. By Richard Whately, D.D., Archbishop of Dublin. Dublin: Hodges and Smith, 1847. Probably it is best known to our readers by the able reply of the Rev. Dr. Murray, of Maynooth College.

that, within a few streets of the very church in which the warning was addressed, there existed even then a Body whose claims to infallibility were hardly less alarming than those of the most formidable of the popes or councils of the olden time; that his Grace himself was one of the chief lights and guides of this Infallible Body; in one word, that it was no other than the Board of Irish National Education—such as it was constituted prior to the “recent changes,” which he now deploras!

Strangely as such a statement must come from the pen of the author of the “Search after Infallibility,” our readers shall see before we close, that this is, in fact, the whole thesis of Dr. Whately’s present *Address*; that it is the sole ground of his opposition to the “recent changes;” and the only attempt at a justification of his withdrawal from the Board! If his argument means anything at all, it involves the *complete and absolute infallibility of the Commissioners*, at least in the selection and recommendation of books for the use of their schools!

We have abstained, for a long series of years, from entering into any of the numerous controversies which have arisen among Catholics on the subject of the Irish Board of Education. Early convinced of the inexpediency of introducing into a journal designed to be the organ of the entire community, and recognised as such by a large circle of protestant readers, discussions which interest ourselves alone, it has been our wont to select, in preference, those larger topics which concern all Catholics alike, as tending to illustrate their common doctrine, or common history, or bearing upon the general controversy with their common adversary. But the late crisis of the education question in Ireland, although it drew with it many issues previously raised, was, nevertheless, very different from any of those which preceded it. He would be a very short-seeing Catholic indeed, who should regard it in the light of a mere party dispute. It involves the very first foundation of our liberty of religious education as a community.

To many persons, perhaps, it may have appeared, purely or principally, a personal controversy between Archbishop Whately and his colleagues; and unquestionably the warm, not to say petulant, tone of his Grace’s *Address*, as well as of several of the letters and “memorandums” inserted in the Appendix, goes far to justify the impression that, on one side at least, it has been somewhat of a personal

quarrel. If we regarded it in this light, we should not have thought it necessary to occupy our space with the discussion. If it involved no broad and comprehensive principle, no larger result than the use or disuse, in the schools under the management of the Board, of certain books, in the maintenance of which his Grace's character for consistency, as well as his natural pride of authorship, may be supposed to have given him somewhat more than a mere official concern, we should gladly have resigned it to some other pen. Even as it is, we have no desire to criticise in a hostile spirit the vindication of his conduct which Dr. Whately has felt it his duty to put forth. We should much rather discuss the recent changes simply on their own merits, than in a controversy with Dr. Whately, which, for the reason already alluded to, can hardly fail to involve a certain amount of personality. We cannot, in general, express too strongly our disinclination towards the practice of discussing public measures upon personal grounds, or even of mixing up personal details in the consideration of them. But there are occasions in which it is impossible to avoid it altogether; and the result of this particular contest involves a principle which affects so vitally both the constitution of the system of National Education itself, and still more the interests of the Catholic body in relation to it, that, as Dr. Whately is the only authoritative exponent of the line of policy which the rest of the Board have repudiated, we will find it necessary not only to deal with that policy as it is explained and vindicated by his Grace, but also to enter into some personal considerations regarding himself, which arise out of the discussion. We doubt, indeed, whether it would be possible to abstract altogether from these personal considerations. Dr. Whately, in some respects, stands entirely alone; nor, in the position which he has lately occupied, can he be fairly regarded as the representative of any party. The National system has enemies in abundance: but we know none who would implicitly accept his Grace's leadership. It is true that two of the commissioners, Baron Greene and Mr. Blackburne, sharing with him the dissatisfaction at the proceeding of the majority, have acted in concert with him so far as conjointly with him to resign their office of commissioners. But it is plain, we think, as well from Baron Greene's letter, appended to his Grace's *Address*, as from the votes both of Baron Greene

and Mr. Blackburne, recorded in the "Minutes of the Proceedings of the Board of Education, 17th June, 1853,"* not only that neither of these gentlemen can have been influenced by the same views as the archbishop, but that the first actually proposed, and the second supported, a resolution diametrically opposed to what his Grace regards† as "an unwarranted transfer to others of a trust reposed in the Board," a "subversion of the existing system," and a "misapplication of a parliamentary grant."‡ In a word, Dr. Whately in this, as in many other phases of his polemical life, stands alone. *In this particular contest* he is the only antagonist with whom we can deal. But he represents a principle so full of peril to our best liberties under the action of the Education Board, that we must claim the privilege of doing so without concealment and without reserve.

It is not easy indeed to decide with what branch of his Grace's vindication we shall most conveniently begin. There is a well-known logical fallacy which he is himself in the habit of comparing to the pretty optical toy, called the Thaumatrope; in which two objects, as for example, a man and a horse, painted upon opposite sides of a card, are, by a rapid and dexterous rotatory motion, made to meet the eye together, and thus, by combining the two images and producing the effect of a single picture, to make the man appear upon the horse's back. The fallacy to which Dr. Whately has wittily given the name of this philosophical toy, consists in this:—that two objects perfectly separable and plainly distinct, may, by being skilfully presented again and again in quick succession to the mind, be so associated in thought as to appear not only capable of combination, but actually united and indeed identical.§ Now, strange as it may seem in one who has so ably exposed every form of logical fallacy, His Grace's *Address*, is itself an overgrown "Thaumatrope-Fallacy," from the beginning to the end. All its effect is due to a clever "twirl" of the argument, ingeniously, though perhaps unconsciously, administered. The "recent changes in the system of Irish National

* Appendix, p. 37.

† P. 34.

‡ P. 15.

§ Whately's *Elements of Logic*, Book III. *On Fallacies*, Sect. xi. p. 219. (ninth edition.) It is a favourite illustration with him. See *Search after Infallibility*, p. 30. He uses it also in the *Second Essay on the Kingdom of Christ*.

Education," in which he addresses his clergy, whatever may be their merits, are at least perfectly simple and intelligible, and the whole case regarding them might be stated in a single page. To apply his own illustration, if the card were but suffered to remain at rest, no one could fail to see all its bearings at a glance. But Dr. Whately, in the eagerness of his vindication, has contrived to involve the for and against in so confusing a whirl; he flies so dexterously from principles to details; he passes so rapidly from the system itself to the books used in the schools, and from the books back again to the system;—as at last to disguise from the reader, and perhaps even from himself, the plain and essential distinction between them, and actually to represent the list of books once approved by the Board, as so completely and permanently identified with the very essence of its constitution, that the withdrawal of a single book implies a "virtual abandonment of the system;" that the modification of one of the rules as to the use of these books is a "subversion" of the entire scheme; and that the consent, (in opposition to his own remonstrance,) on the part of the government, to these modifications, amounts to "a suppression of the office which he had held for above twenty-one years."

Accordingly, with that love of precision in the use of words on which he has always piqued himself, his Grace purposely avoids using the word "resignation" in alluding to the step which he has felt compelled to take. In his letter to the Lord Lieutenant, he insists on regarding himself as "dismissed" by the same act by which the government approved that decision of the majority of the commissioners from which he had dissented. He declares himself "as much attached to the system as ever, and as ready as ever to carry it on;" but because he holds that the "recent changes" amount, in reality, to a *suppression* of his office, he conceives that "it would not be fair in him to deceive Parliament and the public, by pretending to go on carrying out the system which is in truth fundamentally changed." And, indeed, so very strongly has he felt this, that he did not think himself at liberty to assume the responsibility of delaying his withdrawal, in the prospect of some further and final decision of the government. The decision of the large majority of the commissioners in opposition to his views once taken, he could not reconcile with his principles the postponement for a single day of the

step on which he had resolved; inasmuch as "by withholding his decision to withdraw, while the commissioners did not withhold theirs, but carried it out in practice, he should be justly held responsible for proceedings, which he not only believed, but; was known to believe to be unjustifiable."^{*}

Before, however, we can enter into the examination of Dr. Whately's objections to the course which the other commissioners have felt themselves constrained to take, it will be necessary to explain, as briefly as possible, the immediate origin of the controversy which has just terminated in his withdrawal from the Board of Education. Although the first beginnings of the dispute must be sought at a much earlier period, the documents which are contained in the Appendix of his Address may serve to indicate the several stages in the actual collision of views which took place in the Board. One of these documents a "memorandum" of a visit to the Model School of Clonmel, supplies a key to the circumstances out of which the collision arose.

"MEMORANDUM, No. 1.

"1st July, 1852.

"Visited Clonmel Model-school. * * * * I find that *all* the books published by the Board are not used—the *Scripture Extracts* and the *Lessons on the Truth of Christianity* being excluded. It appears to me *most important* that, in *all* the schools of which we are the Patrons—viz., the Model-schools, *all* our books should be read. The inference naturally to be drawn from this not being done is, either that we are *insincere* in *recommending* books which we prove, by our conduct, we do *not* think well of, or else that we suffer this or that person to usurp our power and dictate to us. I have no doubt we shall hear of this, and very unpleasantly. *We* never *compel* any Patron to use a book he does not like, or to abstain from the use of any, sanctioned by us, which he does like; and we should exercise the same right where *we* are Patrons.

"(Signed)

RD. DUBLIN."†

Although the *Address* does not contain any distinct statement of the order of subsequent events, we infer from the documents which follow this memorandum, that it had the effect of raising in the Board the general question;—Whether, in the Model Schools, (towards

* Letter to the Lord Lieutenant. *Address*, p. 42. † *Address*, p. 24.

which the commissioners themselves stand in the direct relation of patrons,) they should insist upon the reading of *all* the books *recommended* by them for the use of *all* schools in connexion with the Board, but *not insisted upon* in schools *under the management of private patrons*? This question led to an anxious and protracted discussion, in which the archbishop appears not to have personally taken any part, beyond that of sending in a series of "memorandums," explanatory of his views and the reasons which may be urged in their favour; and eventually a special meeting was called, which he persisted in declining to attend, on the ground that, "although in any case where a question might come before the Board, on which it would be proper for them to deliberate and decide, he should always be ready to discuss the matter fully, and to acquiesce in the decision of the majority; yet when, as in the present case, there was a question which admitted of no deliberation except on grounds which he could not but consider as quite inadmissible, he felt bound to absent himself, and to protest against the proceeding altogether."*

Notwithstanding the archbishop's protest, the Board proceeded to consider the question; first in a Special Meeting held June 17th, 1853, in which it was resolved, without coming to a final decision, to ascertain and record the opinion of each member present; and afterwards, in a Meeting held July 8th, 1853, when, in accordance with the opinions of the several members expressed in the Special Meeting, the commissioners finally adopted those obnoxious resolutions which have led to the withdrawal of the archbishop and two of his colleagues, Baron Greene and Mr. Blackburne. The resolutions are as follows:—

"*Ordered*,—1st. That in accordance with the opinion expressed on that occasion by seven members out of eleven present, the *Lessons on the Truth of Christianity* be withdrawn from the list of books published by direction of the Commissioners.

"2ndly. That, in accordance with the opinion expressed by ten members, the *Introductory Lessons on Christian Evidences* be also withdrawn from the list of books not published, but sanctioned by the Commissioners.

"3rdly. That, in accordance with the opinion expressed by seven members, the rule 8, section II., (which is as follows) be rescinded:—

* Appendix, p. 34.

“The Commissioners do not insist on the *Scripture Lessons, Lessons on the Truth of Christianity, or Book of Sacred Poetry* being read in any of the National Schools, nor do they allow them to be read during the time of secular or literary instruction in any school attended by children whose parents or guardians object to their being so read. In such case the Commissioners prohibit the use of them, except at the times of religious instruction, when the persons giving it may use these books, or not, as they think proper.’

“And that the following resolution proposed by the Right Hon. Baron Greene, omitting the words, *Lessons on the Truth of Christianity*, be substituted:—

“The Commissioners do not insist on the *Scripture Extracts, Lessons on the Truth of Christianity, or Book of Sacred Poetry* being read in any of the National Schools, nor do they allow them to be read as part of the ordinary school business (during which all children, of whatever denomination they may be, are required to attend) in any school attended by children whose parents or guardians object to their being so read by their children. In such case the Commissioners prohibited the use of these books, except at times set apart for the purpose, either before or after the ordinary school business, and under the following conditions:—

“1st. That no child whose parent or guardian objects shall be required directly or indirectly to be present at such readings.

“2ndly. That in order that no child whose parent or guardian objects may be present at the reading of the books above specified, public notification of the time set apart for such reading shall be inserted in large letters in the ‘time-table’ of the school, that there shall be a sufficient interval between the conclusion of the ordinary school business and the commencement of such reading, and that the teachers shall, immediately before its commencement, announce distinctly to the pupils that any child whose parent or guardian so desires may then retire.

“3rd. That in every such case there shall be, exclusive of the time set apart for such reading, sufficient time devoted each day to the ordinary school business, in order that those children who do not join the reading of the books may enjoy ample means of literary instruction in the school-room.’—*Address*, p. 39-40.

It will be seen from this statement, that, although the point raised by the Archbishop in his first memorandum merely regarded the propriety of making the use of *all* the books recommended by the Board, compulsory in the Model Schools, of which the commissioners themselves are patrons, yet a discussion soon arose as to the remodeling of the list of books so recommended, and the withdrawal of two among the number—the “*Lessons on the Truth of Christianity*,” and the “*Lessons on Christian Evidences*.” The Nineteenth Report of the Commis-

sioners, just issued, formally announces that both the changes specified in the above resolutions have been actually carried into effect.

It may be well to transcribe the precise words of the Report, the latter part of which is very important as explaining the above minute. "We have lately (namely, on the 8th of July,) passed, after very long consideration, two important resolutions, which although not adopted during the year 1852, we think it right to announce on the present occasion.

"First, that we have withdrawn from the list of books published by us, a work entitled 'Lessons on the Truth of Christianity;' and from the list of books sanctioned, but not published by us, another work, namely, 'Introductory Lessons on Christian Evidences.' The first was introduced in 1838, the second in 1842.

"Secondly, that we have amended our Eighth Rule."—*Nineteenth Report*, p. xxix.

The Report, then, following the minute already extracted, recites the rule as it originally stood, together with the amended form in which it now stands, and proceeds:—

"We shall not enter into the various reasons which have influenced different members of the Board in coming to the decision we have stated on these two questions.

"With reference to the withdrawal of the 'Lessons on the Truth of Christianity,' and the 'Introductory Lessons on Christian Evidences,' we deem it necessary to state, that these books may still be used, (though no longer supplied by us,) during the time set apart for *separate* religious instruction.

"With reference to Rule 8, as now amended, we are to observe that the 'Scripture Lessons' and book of 'Sacred Poetry' may, in like manner, be used during the time set apart for *separate* religious instruction, and also during the hours of combined religious instruction, (which children of all religious denominations are *required* to attend,) unless the use of them be objected to by the parents or guardians of any of the children. In such case the use of those books is prohibited, except under the conditions, and at the time, specified in the amended Rule, namely, before or after the ordinary school business. Under the Rule, as it was previously expressed, the 'Scripture Lessons' and book of 'Sacred Poetry,' when objected to by any of the parents or guardians of the children in attendance, could only be read during the time set apart for *separate* religious instruction."—*Nineteenth Report*, p. xxx.

The question at issue between Dr. Whately and his

fellow-commissioners, therefore, turned upon two distinct points.

First, whether in those schools, of which the commissioners themselves are patrons, they have a discretionary power of insisting or not insisting upon the use of all the books, not alone literary, (about which there is no controversy,) but also religious, which they have sanctioned and recommended.

Secondly, whether it is competent to the commissioners to withdraw from use a book or books once formally sanctioned and recommended by them, and publicly announced as such?

Upon both these questions Dr. Whately not only earnestly insists upon the negative, but maintains that to do otherwise is to subvert the whole constitution of the National Board. We shall consider them separately.

I. Should the use of all the books recommended by the Board, be held to be compulsory in the Model-Schools? In order to understand fully the real grounds of this controversy, it will be necessary to recall briefly the circumstances connected with the first introduction of the now famous Eighth Rule, and with the compilation of the books to which it refers. We need scarcely premise, what has been so often repeated in the course of these discussions, that the scheme of education first proposed for Ireland by Lord Stanley, in 1851, purported strictly to be a system of united secular, and separate religious instruction. In the "original draft" of Lord Stanley's letter to the Duke of Leinster, the contemplated system is described as intended "to afford, if possible, a combined literary, and a separate religious education." During the progress, however, of the negotiations for the organization of the plan, it was suggested that it might be possible, *by agreement among the commissioners*, to introduce a certain amount of moral and religious instruction into the common or combined education; and, after a good deal of discussion, it was resolved, with the consent of the government, that the experiment, the delicacy of which was sensibly felt by all, should be cautiously made. Accordingly, Lord Stanley's "Letter to the Duke of Leinster," which is the exponent of the constitution of the Board, was remodelled, so as to embody this new element; and a clause was introduced into it, to the effect that "it was not designed to exclude from the list of books for combined

instruction, such portions of sacred history, or of religious or moral teaching, as might be approved of by the Board ;” yet with a distinct understanding “that this was by no means intended to convey a perfect and sufficient religious education, or to supersede the necessity of separate religious instruction on the day set apart for that purpose.”*

From this simple statement, therefore, it is perfectly clear that the original constitution not only contained no provision for combined religious instruction, but in truth actually excluded the idea. It is true that, before the completion of the preliminary negotiations for the organization of the scheme, the idea of combined religious education had been adopted, and in part carried into effect ; and it might perhaps thence be inferred that the idea, having once been adopted and approved by the Government, must be considered as, thenceforth, part and parcel of the system sanctioned and established by them, and, therefore, placed entirely beyond the control of the commissioners. Hence we cannot recognize in them any duty, or indeed any power, beyond that of impartially and effectively carrying out that system, and least of all, a power of mortifying or superseding it.

It is clear, indeed, that the commission *might have been* originally issued in this form, or with this understanding ; and if such had been its form, or such the understanding regarding it, it would be impossible to contest the justice of the Archbishop’s position.

Fortunately, however, we are in possession of the exact history of this modification of Lord Stanley’s first scheme, and of the understanding under which the government of the time adopted it. An exceedingly temperate and able letter on the subject has been published by the Rev. Dr. Carlile, one of the original commissioners, whose testimony

* *Nineteenth Report*, p. xxxv. Both the “First Draft” and the “Letter” are given in the present Report. By some strange oversight the early Reports (as far as the year 1841) contained only the “First Draft :” nor was the important clause extracted above published, until the appearance of the Report for that year, where it is given, however, without any notice of the discrepancy. The present Report very properly contains both documents under their respective designations. With the exception of a clause about the investment of the schools in trustees, there is no other difference worth notice between them.

is the less liable to impeachment, inasmuch as, having been for years disconnected from the Board, he is utterly without interest in the exciting controversy.

From this letter,* which we regret that it is impossible to print at full length, we learn several facts extremely important, and indeed completely decisive in the present controversy.

1. The notion of a combined religious instruction was no part of the original scheme proposed by the Government.

2. The proposal to modify this scheme did not originate with the Government. It arose out of a "*question put by one of the commissioners*, whether if the commissioners agreed, any amount of religious instruction introduced into the secular or common instruction would be *permitted* by the Government;" and the utmost extent of the sanction given to it, was a promise on Lord Stanley's part, that "*whatever the Commissioners were unanimous upon, the government would not object to.*"

3. This sanction of the Government was only to be given to such details as were *unanimously* adopted by the Commissioners.

4. *Archbishop Whately himself*, when the idea of combined Scriptural instruction was first suggested, "*had difficulties on the subject,*" which were removed only by the representations of Dr. Carlile.

5. In carrying out the details of the plan, and especially in the compilation of the books,† the most literal unani-

* It appeared in *The Times* of Saturday, August 20, 1853.

† There is a circumstance mentioned by Dr. Carlile, so honourable to the character of our educational books, that we cannot deny ourselves the pleasure of recording it.

"The only mode of introducing religious instruction into the common education was by means of the books provided for it. Having no books of our own to commence with, we examined and sanctioned several series of school books—some after a certain amount of expurgation. Among others, a series was submitted to us by a Roman Catholic institution under the patronage of the prelates of that church. These books—to the credit of Roman Catholics be it said—contained a larger portion of religious instruction of a kind altogether unobjectionable to Protestants than any school books I had met with; and, after the alteration of a single

mity was required among the Commissioners. Not satisfied with a mere majority among them, they held it as a rule that the dissent of a single individual should be conclusive against any proposed book, or part of a book; and so rigorously, and with so perfect good faith, was this carried out, that "during the seven years of Dr. Carlile's connection with the Board, the commissioners never once came to a division."

From these decisive statements we see that, in the actual working of the scheme, a clear distinction was held between the course adopted in regulating the general affairs of the Board, and that pursued with reference to that common religious instruction, which they considered themselves empowered to introduce. In the former the discretionary power of a majority was recognized; in the latter they "were required to be perfectly unanimous."

And not only does Dr. Carlile bear this testimony to the circumstances and conditions under which, (with the full knowledge of Archbishop Whately) the principle of combined religious instruction was engrafted on the original scheme, but he himself, as a necessary deduction from this history, applies precisely the same principles to the controversy which has actually arisen.

"You may infer from the above details that, in my view of the subject, *there never could legitimately be any dispute among the commissioners on the subject of religion*; if any topic were introduced, connected with separate religious instruction, the board, as such, could take no cognizance of it, except so far as to see that time and accommodation were provided for those empowered by the parents of the pupils to communicate it. If the topic were connected with the instruction given in common, then we were required to be perfectly unanimous respecting anything of a religious element introduced into it. *Our only appeal on such topics was to be to the good and liberal feelings of one another.* If at any time Dr. Murray sanctioned anything which he afterwards wished to withdraw—which happened, perhaps, in one or two instances—he was at once permitted to do so without any animadversion; and so I conceive, if the Roman Catholic members see fit to withdraw their sanction from anything of a religious nature, such, for example, as the *Book of Evidences*, or the *Scripture Extracts*, the Protestant members may regret

page, and of some isolated expressions, these books received the sanction of the Board."

The "Roman Catholic Institution" to which he refers, we believe was the old "Catholic Book Society."

the change that induces the Roman Catholics to do so, and, perhaps, reason with them ; *but if the Roman Catholic members persevere, they have, in my view, nothing to do but to yield.*

"Had I been connected with the Board when these recent controversies were taking place, I would have done my utmost to persuade his Grace the Archbishop to give up these points at once, (unless indeed, he convinced me that he was right in insisting upon them,) and so preserving, what of all things was the most important for success, the perfect good temper and good feeling of the members of the Board, of different denominations, towards one another, and, perhaps, some opportunity might arise of attaining the same object, or something better in another way. During the seven years that I had the management of the details of the Board's business we never came to a division."

So much for the first introduction of the principle of combined religious instruction.*

It is natural that the same respectful consideration which was observed by the several members of the Board *towards each other* in all that regarded *the introduction* of religious topics into the books adopted by them, should also be observed by the whole Board towards *the patrons of schools, and the parents and guardians of pupils*, as to the enforcement of *the use* of the books themselves. Hence the Eighth Rule, so often referred to.

"The Commissioners do not insist on the *Scripture Lessons, Lessons on the Truth of Christianity, or Book of Sacred Poetry* being read in any of the National Schools, nor do they allow them to be read during the time of secular or literary instruction in any school attended by children whose parents or guardians object to their being so read. In such case the Commissioners prohibit the use of them, except at the times of religious instruction, when the persons giving it may use these books, or not, as they think proper.'"—(Address, p. 39.)

And that the rights of the pupils, as represented by their parents or guardians, were protected against the interference of patrons, as well as against that of the Commissioners themselves, is clearly shown from a correspondence with Mr. Tottenham, quoted, with approval, by the Archbishop.—(Address, p. 23.)

* It is right to add, that in a letter subsequently addressed by Dr. Whately to Dr. Carlile, on the subject of this narrative, he makes no pretence of controverting any of the statements upon which we rely. We shall refer to this letter before we close.

"Copy of reply from the Secretaries to the Board of National Education, to the foregoing letter from Mr. Tottenham.

"Education office, 7th September, 1840.

"SIR,—

"We have laid before the Commissioners of Education your letter of the 27th ultimo, respecting the use of the *Scripture Extracts* and *Sacred Poetry* in the National Schools on your estate.

"In reply, we are directed to state, that the Commissioners do not insist on having the *Scripture Extracts* or *Sacred Poetry* read by any children whose parents or guardians object to them; nor can they sanction any compulsion for the purpose. But the patrons of any School, who think proper, may have them read on the opening, or immediately before the closing of the School, provided no children shall be required then to attend against the will of their parents or guardians.

"We have the honour to be, Sir,

"Your very obedient servants,

"(Signed)

"M. CROSS,

"H. DOWDALL.

"Joint Secretaries."

The practice, therefore, was clear, as regarded schools under the management of private patrons. A different question, however, might arise in the case in which the Board itself was the Patron. Such is the case of the Model-Schools under the direction of the Board.

In the early years of the National System, there was but one such establishment—the Central Model-School of Marlborough-street, Dublin; but after a time the Commissioners resolved to establish District-Schools on the same plan; with a view partly to the introduction throughout the country of a more effective system of teaching, partly to the convenience of training up in each district, pupils who might afterwards take charge of the schools in their respective localities. Meanwhile, however, as we need hardly remind the reader, a violent opposition had arisen, to the use of some of the books for combined religious instruction—the "*Scripture Lessons*," and still more, the "*Lessons on the Truth of Christianity*" In many districts the use of these books had come to be entirely discontinued in the schools under Catholic patrons, who availed themselves in this respect of the liberty secured to them by the Eighth Rule.

Hence, in devising the plan of the model-schools to be

established in such districts as these, the question as to the use of the obnoxious books presented itself in a new form. If the schools had been nominally under the control of private patrons, who, in such districts, would most probably have shared in the general feeling of opposition to the books, they would unquestionably have been excluded. But the model-schools, whatever may have been their real condition as regards the religion of the pupils, and whatever may have been the feeling of those really most interested in their management, were in point of fact *technically* under the patronage of the Board; and it seemed only natural that, in their own schools, the Commissioners should use the same liberty as private patrons, and should require the general use of all their own books, inasmuch as they recommend them all without exception.

But on the other hand when, at the opening of the Model-School of Clonmel, the question presented itself to two of the commissioners who had been requested by their colleagues to superintend the arrangements, it was felt that, in a school which after all, was to be a model (not for the entire of the kingdom, or for a Protestant, or even a mixed locality, but) for the schools of a purely Catholic district, *in hardly one of which the books in question continued to be used*, they would be acting a very arbitrary, and a still more unwise part, by enforcing the use of the "Scripture Lessons," or the "Lessons on Christian Evidences." With the sanction of these two commissioners, therefore, the use of these books was not insisted upon in the Clonmel School. And the same reasonable and equitable practice has been followed in the schools since opened in districts similarly circumstanced.

It is against this practice, reasonable and equitable as it is, that the crusade of Dr. Whately has been directed. From the first memorandum of his visit to the Clonmel School, to the last scanty courteous note which he addressed to the Board before the special meeting called to decide formally on the question, he has never relaxed in his stern, and we might almost call it, acrimonious opposition to it.

In the *Address* to his clergy, it ranks first among the evils of which he complains.

"Unfortunately, in some of the lately-established District Model-schools, without any meeting of the Board, summoned specially to discuss and decide so important a matter,—without even the know-

ledge of many of the Commissioners,—some officers of the Board took upon them (at the first opening of these schools) to exclude altogether some of the books published and recommended by the Board. And to this manifestly irregular procedure may be traced, chiefly, if not entirely, the present deplorable state of things.

“As soon as I discovered—which was in the autumn of last year—what an unwarrantable step had been taken, I applied to the Board for the redress of so manifest and gross a usurpation of our authority. But, unhappily, so great an encouragement had been afforded by the very occurrence of the irregularity, to the party secretly or openly adverse to the existing system, that, after so many delays and excuses, there seemed to be a disposition in the majority of the Commissioners, instead of rectifying the manifest wrong that had been done, rather to confirm and ratify it, and to follow it up by still further encroachments on the system.”—p. 11.

But the arguments against the practice are chiefly contained in the “memorandums” addressed to the Board, and reproduced for his Grace’s clergy in the Appendix of this Address. Thus, in memorandum No. 1., already cited, after observing on the fact that the books in question are not used, he goes on,—

“The inference naturally to be drawn from this not being done is, either that we are insincere in recommending books which we prove, by our conduct, we do *not* think well of, or else that we suffer this or that person to usurp our power and dictate to us. I have no doubt we shall hear of this, and very unpleasantly. *We* never *compel* any Patron to use a book, which he does not like, or to abstain from the use of any, sanctioned by us, which he does like; and we should exercise the same right where *we* are Patrons.

“(Signed)

RD. DUBLIN.”

Again in memorandum No. 2.

“I would premise,—in order to avoid being led into irrelevant discussions as to the merits of this or that particular book,—that the objection I am looking to, is to the omission of *any* of our books at *any* Model-school. If, therefore, there should be some Model-school which uses the books omitted at Clonmel, but omits *some others*, the objection would be the same.

“We may be asked whether we are *insincere* in recommending certain of our books which we ourselves exclude from schools of which we are the Patrons?

“Or, whether we suffer persons to *assume authority over us* to which they have no right?”—p. 25.

Again in memorandum No. 5.

"The passage of the rules referred to (paragraph 8, § 2, which says, that the Commissioners 'do not insist on such books being used in any National School') evidently has reference to schools *under private Patrons*. It decides that the Patron shall not be *required* to use in his school any book that he may not approve of. But neither that, nor any other rule, *precludes* the Patron from using in his school any book (not objected to by the Commissioners) which he *does* approve of.

"Now, since every Patron is, and always has been, left to decide (subject to the above restriction) what books shall and shall not be used in his school, and since, accordingly, any book which *does not appear in the list* he adopts is *excluded* from his school, (during the general school hours,) it seems naturally to follow, that if the words 'do not insist,' &c., be applied by the Commissioners to schools of which *THEY* are the *Patrons*, the meaning of this must be, that the books in question are to be *EXCLUDED* from *ALL* the *Model-schools*; as they *now* are from that at Clonmel.

"Any book which the *Patron of the schools* does not 'insist' on employing in it, he 'insists' on *excluding* from it; unless, indeed, it is to be understood that the master, or the children, or the inspectors, are to be left to their own choice in such a matter, and are to adopt a book, or reject it, or reintroduce it, at their own pleasure, without reference to the Patron."—p. 30.

Such is the sum of the argument which Dr. Whately is able to produce in defence of a proceeding which has disturbed the harmony of the Board of Education for twelve months, and which, were it not for the temperate firmness with which it has been met, could not have failed to jeopardize the very permanency of the System!

If the reader will take the trouble to look back to the Eighth Rule, which is given above, and which may be justly regarded as the great charter of educational liberty under the Board, he will find that the commissioners there distinctly pledge themselves;—that they "*do not insist*" on the "Scripture Lessons," "Lessons on the Truth of Christianity," or "Book of Sacred Poetry," being read in *any* of the "National Schools." Now it is the merest special pleading to contend that the District Model Schools are not comprehended under this general pledge. If these schools were purely Normal, or intended solely for the training of masters to be employed in the service of the Board, there might be some show of ground for taking a distinction between them and the ordinary schools in connexion with the Board; although we must add, that even in Normal schools, (and indeed in

them especially) the Commissioners would be bound to take precautions against any proceeding which could trench upon the religious principles of the pupils. But it is a mistake to suppose that the District Model Schools are merely Normal. They are in every substantial particular identical with the ordinary schools, except that their management and discipline are as perfect as possible, that the details of the system are carried out in the fullest manner, and that the education imparted in them is of the very highest character, which the commissioners profess to afford. But the conditions of attendance are in no way special. The schools are open, as all others in connexion with the Board, to pupils of every denomination: and in point of fact, it is found, that, in the proportions of the several denominations, the attendance in the Model Schools present the same averages as in the ordinary schools of the surrounding districts, at least those which are similarly circumstanced.

In this respect, therefore, there is no ground for any difference of practice between the Model Schools and the ordinary schools of the Board. Hence, if it were found that in all, (or the great majority of) the schools of any district, certain of the books had been uniformly disused, it would be the plain duty of the Commissioners, (especially if this had been done upon any religious grounds) to presume upon the same objection in the parents and guardians of the pupils of the school which was to be the model of the entire district; and to abstain from forcing upon them the books which, it was notorious, all their neighbours and friends had discarded in precisely similar circumstances. If there were any difference at all to be observed by the Commissioners between their mode of dealing with these schools (which are peculiarly their own) and that which they pursue towards the ordinary private schools in connexion with them, clearly it should be in a *more delicate and scrupulous anxiety* to consult for every legitimate religious feeling both of the pupils and of those interested in their religious education.

We contend, therefore, that not alone the letter of the Eighth Rule, but the entire spirit, not only of the rule itself, but of the whole system of which it is a part, should be taken as decisive against the arbitrary and intolerant construction which Dr. Whately sought to put upon it. And we

need hardly add, that whatever room there might be for hesitating as to this conclusion, if there were question of books connected with "purely secular instruction," the principles originally laid down by the Commissioners, and the practice which, according to Dr. Carlile's testimony, they followed from the beginning in everything bearing upon "combined religious instruction," place the matter entirely beyond dispute.

It is scarcely possible to argue seriously against the reasoning by which the Archbishop attempts to sustain his views. It rests solely on the technical plea, (1) that the commissioners themselves are patrons of the Model Schools; (2) that, as the private patrons have the right of using, or abstaining from the use of, any of the books sanctioned by the Board, so "the Commissioners should exercise the same right when they are patrons;" (3) that if they do not insist on this, "the inference naturally to be drawn is;—either that they are insincere in recommending books, which they prove, by their conduct, they do *not* think well of, or else that they suffer this or that person to usurp their power or dictate to them."

Now, in the first place, whatever rights the Commissioners may be entitled to exercise as patrons, we would say at once that they are precluded by this Eighth Rule from the enjoyment of any right by which they should be entitled as a matter of course to *insist* on the reading in all these schools of the books specified in that Rule. Their rights, as Patrons, however they may coincide in other things with those of private patrons, are clearly limited in this respect. Supposing a disinclination to prevail in the locality against the use of these books, they could not exercise such a right without doing the very thing which they pledge themselves by the Eighth Rule not to do "*in any of their schools.*"

(2) Even allowing that their powers are not limited by this Rule, the very utmost that his Grace's argument can be allowed legitimately to prove, is, that the Commissioners *have the same right* as other patrons. If we might venture to reduce to the form of a syllogism the argument of so distinguished a master of the syllogistic art, it would stand thus:

All patrons *have a right* to use in their schools all the books sanctioned by the Board. But the Commissioners themselves are patrons of the Model Schools. Therefore,

they *have a right* to use in the Model Schools all the books which they have sanctioned."

Such would be the legitimate conclusion of his Grace's argument, and, if we abstract from the Eighth Rule of the Board, we have no difficulty in admitting this conclusion. The commissioners, we admit, were it not for the Eighth Rule, would *have a right* to use all the books in their schools.

But what is Dr. Whately's conclusion?

We could not help thinking, while we read it, of the excellent section in his own third Book "on Fallacies," which treats of the Fallacy of "Irrelevant conclusion;"* which he admirably illustrates by "the well-known wrong decision respecting the two boys and their coats, for which Cyrus was punished by his preceptor; the real question being, not 'which coat fitted each boy best,' but 'who had the right to dispose of them.'"

His Grace's conclusion from the premises given above, is, not (as it ought to be) that the Commissioners "*have a right* to use all their books in the Model Schools," but, that "they **SHOULD EXERCISE** that right."† This is hardly even a decent specimen of the Fallacy; for it is detected without an effort.

(3) But even though it were admitted that the Commissioners, being patrons of these schools, have a full and unrestricted right to do in them everything which private patrons are privileged to do in their own schools, would it follow that they *are bound* to insist upon the use of these books, even where it might be presumed that they would prove distasteful? Is a man *bound* to do everything that he *has a right* to do? Are we bound to wear white hats, or red coats, or green stockings? Are we bound to walk barefoot, or to go all-fours? Are we bound to become tee-totallers, or vegetarians? And will Dr. Whately, in insisting on the maintenance of the position of the Commissioners as patrons of their schools, reduce them to the category of mere machines? Will he allow them no discretion as to the enforcement or non-enforcement of their rights? And if they are to be free agents at all, are they not to be free in the management of those schools which, according to his views, are especially their own?

He will answer, and he has answered, that their abstain-

* Elements of Logic, p. 251.

† Address, p. 24.

ing from this exercise of their right, as regards the very books which they themselves recommend, gives room for suspicion that they "are insincere in recommending them."*

Upon this point we shall have more to say, when we come to consider the second part of his Grace's defence. It is plain, from what has since taken place at the Board, that the recommendation of certain of these books is *de facto* sincere and unanimous on the part of the present Commissioners, inasmuch as two of the books have been withdrawn from their list. But, waiving this question for the present, we think it perfectly clear that the Commissioners, although they were thoroughly sincere in recommending a book for the use of schools generally, might nevertheless find themselves in circumstances in which it would be inexpedient, unwise, and even pernicious, to insist on its being used in certain schools or certain localities. Take the very case of private Patrons on which Dr. Whately so often relies. Is it not notorious that many private Protestant Patrons, who cordially and earnestly approve and recommend the *Scripture Lessons*, have nevertheless ceased to insist on their being used in schools where the pupils are chiefly Catholic? We ourselves know an instance, in which one of the Commissioners, a Protestant and a warm advocate of this very book, has yet directed that it shall not be introduced in the schools upon his estate. Shall we say that this gentleman is insincere? Is a man to be held insincere in every recommendation which he does take every possible occasion, expedient, and inexpedient, in season and out of season, to enforce and carry out? Does not Dr. Whately sincerely and earnestly recommend the use of the Bible in schools? And yet did he not continue for twenty-one years to patronize and carry out a system from which, as such, the Bible was just as much excluded, as the "Scripture Lessons," or the "Lessons on the Truth of Christianity," are excluded from the Model School at Clonmel?

(4) There is another circumstance which Dr. Whately keeps cautiously out of view. By the recognized rule and practice of the Board, it was in the power of the parents or guardians of children, even in schools where the Patrons

* Address, p. 24.

desired to use the Scripture Lessons, by objecting to those books, to confine their use to the time set apart for separate religious instruction. Now if, in a locality such as we suppose, this objection would infallibly be made by the large majority of the parents and guardians, and if, in consequence, the books would with equal certainty, be practically excluded, is it not more dignified, as well as more politic on the part of the Commissioners, to anticipate the rejection, and, by bowing to the presumed wish of the parties most concerned, not only to avoid outraging their feelings, but even to secure their confidence and good-will by the respectful consideration with which they have deferred to their conscientious scruples, even where they themselves do not share them?

(5) Dr. Whately insists that the non-enforcement of these books in the Model Schools of the Board, is a virtual surrender of the trust confided to the Commissioners. But he forgets that the original trust confided to the Commissioners regarded *purely literary* instruction and nothing else; that the experiment of combined religious instruction was an after-thought of their own; that it received the sanction of the government only on the supposition of *perfect unanimity* among the Commissioners; that, by their own practice, this was uniformly insisted on, as the very first condition of all their measures; and that to turn about now, and, against the expressed will of a large majority of the population of any locality, to thrust upon them a body of religious instruction which they do not desire, and even positively repudiate, is an outrage against good feeling as well as a violation of good faith. It is true that no pupil is compelled to receive it. But, where the large majority object to receive it, the attempt "to make it the rule," is in itself an offence against all the proprieties of taste as well as against the dictates of sound religious feeling.

And even if the rights of the pupils were perfectly secured, there is another most important and meritorious class whose religious scruples are entitled to fair and respectful consideration—we mean the teachers of the district Model Schools. No regulation should be allowed to stand upon the books of a Board intended for the service of the whole people of Ireland, which would have the effect of excluding every Catholic master, permanently and effectually, from aspiring to these appointments, the most important and the most emolumentary in the gift of the

Board. Now, if it be laid down as a rule, that the teaching of all books, once sanctioned by the Board, must be maintained, (at least in these schools), even though they should have been subsequently condemned and rejected by the highest Catholic authorities, the effect would be to exclude every conscientious Catholic from the office of teacher in these schools. Nor can we read without amazement, as coming from a Christian prelate, the contemptuous disregard with which the feelings of this most meritorious class are flung aside by Dr. Whately (p. 27). on the heartless plea that they are the hired servants of the Board, and that the Board should not for a moment entertain their conscientious objections, but should compel them to do the work for which they were hired ;—just “as a farmer does not allow his labourers to prescribe to him what fields should be ploughed, and what crops cultivated, but finds men to do the work which he has marked out for them.”

(6) But there is another consideration still more decisive. The books which have formed the subject of so much controversy, are, as we have seen, intended to supply that combined religious instruction of the various denominations which the Commissioners thought they might venture to engraft on the original plan of the government. It is plain, therefore, that *where there is no combined religious instruction*, the books could never have been meant to be used at all. Now, in the localities where they have been set aside, there is practically but one denomination: the children, with few exceptions, are exclusively Catholic. To insist on using such common books where there is no common instruction, would be the merest formalism. It is a puerile and silly adherence to the letter of a rule which was entirely purposeless and unpractical, or, if practical at all, practical only for evil.

Indeed, the more we reflect on the course which Dr. Whately desired to see the board take in this important matter, the more we congratulate ourselves and the country on the failure of his effort to force his views upon them. It would have led to an immediate withdrawal of the confidence of the Catholic body; and it might have proved the germ of an unlimited power of interfering with that liberty of action, which is the only guarantee against the danger of infringement on the rights of conscience. We are far from anticipating such a danger; but we do not hesitate

to say, that if the Commissioners had so far modified their Eighth Rule, as, in their capacity of Patrons, to insist uniformly and invariably on the use of the obnoxious books in all their Model Schools, they might have paved the way to a complete and sweeping subversion of the rights of private Patrons, by affording to the government, (which, in some sense is the universal Patron), a precedent for insisting upon the very same measure in all the schools, as the very first condition of the grant. And, although we have no reason for anticipating any such contingency, or rather, though we think it entirely improbable, yet, as the great source of security which we have always recognized in the National System, has been the independence of action which, (within certain well understood and settled limits), is guaranteed to private patrons in respect to the Board, and to the parents and guardians, both in respect to the Board and to the patrons, we should look with grievous alarm and apprehension to any infringement of this independence, however trivial in appearance. We should look with double alarm on any such infringement, where its tendency would be directly to curtail the religious liberty of the pupils; and, above all, we shrink from the very idea of the Commissioners themselves, by any arbitrary interference on their own part, depriving themselves of the power of resisting encroachment on the part of the government, by setting, even were it a minor degree, the example of such encroachment in their own persons.

II. We must proceed, however, to the second question at issue between Dr. Whately and the rest of the Board, namely, the right to withdraw from the list of books recommended for the use of schools, any book or books which shall once, after full deliberation, have received their public and authoritative sanction. On this point his opinion is, if possible, more decisive than on the question we have just been considering.

“ Finally, it was proposed to *prohibit altogether* three of the books published by the Board, the *Scripture Lessons*, the *Sacred Poetry*, and *Lessons on the Truth of Christianity*.

“ Subsequently, this prohibition was for the present limited to one of the books, and the one fixed on was the last of the three. It was probably thought—and not erroneously—that, when once the principle was established, that the Commissioners might fairly and equitably prohibit any book sanctioned by them, no one could wonder or complain at its being afterwards applied to an indefinite extent.

And perhaps it was thought by some people, in England at least, would be so simple as to think that the exclusion of *one* book could be no very formidable change ; that this would satisfy all parties, and that nothing further would be attempted.

"I, however, (besides that I knew that much more was actually designed, perceived—as I think any man of common sense must, that there could no longer be any *security* against any amount of innovations ; that those who had broken faith with the public could never enjoy or deserve any further public confidence ; and that I could not, consistently with principles of honour, consent to be a party to proceedings which amounted to an abandonment of all fixed principles, and to a consequent subversion of the existing system, and a misapplication of a parliamentary grant."—*Address*, p. 13-15.

"By the 'complete control over the books' to be used that was given to the Commissioners, every one always understood that no books were to be used (in united education) that were not sanctioned by them ; but certainly not that the books they did sanction were liable at any time to be withdrawn and prohibited. It is vain to urge that the Commissioners, when first appointed, were not bound to sanction such and such particular books. The question that came before Parliament, when each successive grant was moved for, was, not what the system *might* conceivably have been, but what it actually was. This is plainly proved by all the debates—and they have been numerous—that have ever taken place on the subject.

"In the debate, lately, on a motion of Lord Clancarty, and in every debate on the motion for a grant for the schools, and on many other occasions, reference has been made (both by advocates and opponents) to the *list of books* sanctioned by the Board. Never did any opponent come forward to say, 'This is all delusion ; we are wasting time in discussing the merits of these books, since some of them may probably be struck off the list next week, and some more the week after. The list of books is merely a *bait* to allure the over-trustful into placing schools under the Board ; and as soon as the deception has succeeded, the books which had chiefly aided in it will be prohibited.'

"A man of honour, I need not, I trust, explain to you, considers himself bound to fulfil the expectations which he has knowingly and designedly raised and kept up, no less than if he were compelled under legal penalties. And an understood promise there certainly was, that the books sanctioned by the Board would be permanently permitted to be used ; else, it is manifest, all the invitations given—and often accepted—to patrons to place schools under the Board, on that understanding, would have been a mere deception ; and all the appeals to the books as characterizing the system, by every successive ministry (including the present), and by the members of every successive parliament, in the debates on

the subject, including some in this very session—all this would have been utterly nugatory and absurd.

"The books, therefore, published as sanctioned by the Board, were always, it is evident, considered both by advocates and opponents as part of the system."—*Address*, p. 17—19.

And in a letter addressed by him to Dr. Carlile, in reference to that gentleman's letter to the *Times* Newspaper, already alluded to, Dr. Whately argues as follows:—

"What pledged us, according to my view, to the public, was the public sanction given to a book by placing it on our list,—not anything that passed in private. When any difficult case comes before a jury, it usually happens that at the first the jurors will be divided in opinion, and one of them, who was at first disposed to find for the plaintiff (suppose), may afterwards change his mind, and side for the defendant; and such changes may take place five or six times over in the jury-room. But when the verdict has been publicly and solemnly given in, no one ever heard of such a thing as a jurymen's claiming a right, some days, or perhaps years, after, to cancel and reverse the verdict on the ground that he has altered his mind.

"And this is what has always been understood to be the case in reference to any of our books, after it had been—as you yourself expressed it before the Parliamentary committee—'finally settled.' If any member of that committee had suggested that perhaps this 'finality' might be reversed any day, and the book prohibited, I doubt not you would have repelled with scorn such an insinuation."

In one word, Dr. Whately claims for the Irish Board of Education, (we mean the old Board—for, of course, the present one, since his Grace's withdrawal, is quite another thing), that *irreformabile judicium*, which is the very utmost that those "Ultramontanes" of whom his Grace (p. 10) has such a dread, have ever claimed for the Pope himself! And curiously enough, it is chiefly in matters of faith and of theology that he attributes to them this infallibility.

"But is there no conceivable case, it may be asked, which would justify the commissioners in expunging from their list any book once sanctioned by them? Certainly, I can imagine such a case. If it had so happened (which is next to a moral impossibility) that the Commissioners had published some book of *Science* or *History*, which was afterwards found to contain much that was erroneous, and much that was obscure, they would be authorized to withdraw

it, and to *substitute another* that should better fulfil the design of the former one. For instance, I have seen a book of geography, designed for the use of schools, in which the writer speaks of the Province of Ulster, as the only portion of Ireland in which the English language is in common use. A book that should abound in such errors, or that should teach some exploded doctrines of Astronomy, for instance, or Chemistry, or any other science, ought certainly to be suppressed, and *superseded by a correct one on the same subject*. But this is manifestly quite a different thing from excluding altogether one *whole branch of study*, on which books had been carefully provided and unanimously recommended by the Commissioners."—Address, p. 16.

So that his Grace admits it to be conceivable, (although "next to a moral impossibility,") that in some matter of "*science or history*," the judgment of the board might prove erroneous. But for the "*science of sciences*," he does not admit, nor even, singularly enough, for a Christian prelate, contemplate, any such possibility, although the matter of the late disputes exclusively rested on religious considerations. The very insinuation that a solemn judgment of the Board on such a subject "could any day be reversed," is one which he would "reject with scorn." Who would have expected such a sentiment from the author of "*The Search after Infallibility*?"

It may be well to begin by observing that on this occasion, as on the first point of Dr. Whately's controversy with the Board, the testimony of Dr. Carlile, (who, like his Grace, was one of the original Commissioners, and, indeed, was the chief manager of all the concerns of the Board during the first years of its existence,) is plainly and decisively against the Archbishop. In his reply to Dr. Whately's remonstrance with him on his Letter to the *Times*, already cited, he writes:—

"But you oblige me to observe that you have misunderstood what I meant by 'finally settled' in my evidence before the Parliamentary Committee. All that I intended to convey was, that the book in question had undergone all the ordeals and examinations that the board thought necessary, that it had passed the final barrier, and was then ready for publication; for I do not think that it ever would have occurred to me that the Board, having once sanctioned any book, deprived itself in all time coming of power to revise it, alter it, cancel it, substitute something else for it, as they might see fit. I can conceive many reasons why it might be advisable to withdraw from circulation a book that had been issued by the Board; nor do I remember any rule by which our hands were tied up from doing so, and our

acts were required to be as the laws of the Medes and Persians, which alter not."

Indeed, we can hardly imagine it possible for any thinking man to doubt so plain a proposition. To suppose anything else, is, either to invest the tribunal so constituted with absolute infallibility, or to commit ourselves irrevocably to the guidance of a body which we admit to be liable to error. We cannot conceive a more mischievous principle than that laid down by Dr. Whately. That all human institutions are susceptible of improvement, he himself, we are sure, would be the first to admit. Although Minerva sprang, full armed, from the head of Jupiter, we know no authentic record of anything human springing at once into full and perfect maturity. Were it perfectly certain, that the collective wisdom of a Board—even of a Board of which Dr. Whately was a member—was invariably devoted to the elaboration of all the details of its arrangements, it would not, we fancy, be much disparagement of it to suppose that it might, by possibility, fall short of absolute perfection. But it is quite notorious, that Boards are very far from this state of optimism. It is notorious that, in almost every Board, the main work falls upon some one or two active and hardworking, or officious members; that the supervision on the part of their colleagues, of the work done by them, is generally little more than nominal; and that what is in effect the work of these individuals, goes forth as the work of the Board. That it was not so in the case of the Irish Board of Education, we fully admit; but the Archbishop's principle will apply to every other case as well. And, even were it otherwise; even were it certain that every member of the body had devoted all his powers and all his industry to the task set before them, to the preparation, for example, or the supervision of the preparation, of a set of school-books, literary and religious, for the use of their several establishments, is it not perfectly possible, and highly probable that, when these books came to be tried in practice, defects, and even material errors might be detected, which had escaped notice in theory? Can we suppose any rational body of men, in this age of enlightenment and progress, so absurd as seriously to deny themselves the advantage of being thus corrected by experience, or so blinded by pride and self-reliance, as to refuse to avail themselves of its lights?

And even without going so far, is it not perfectly possible that objections may arise to the use of certain books to which even those who would look upon them as overstretched or unfounded, might think it reasonable, (and would be bound to think it reasonable,) to yield? If the Protestant members of the Board, for instance, discovered that among a large portion of the Catholic clergy, and of the bulk of the Catholic population, even where they looked favourably and gratefully on the system as a whole, a book which to themselves seemed perfectly unexceptionable, had gradually become an object of suspicion and dislike, would it not be their clear duty, while they refused to surrender their own convictions, to bow to this objection, and to abstain from forcing upon others a thankless, or rather an unpalatable gift?

We need not say that there are special reasons in the case of Catholics why this allowance should be freely made them. With us the decision of the local authorities is never final. It must always be considered open to revision on the part of the Holy See, and, consequently, to modification or even to reversal. In the case of the very books which are the subject of the present controversy, such revision has actually taken place, and has terminated in the prohibition of two books sanctioned by the Board. Here is a contingency for which, as an indispensable preliminary, provision *must* be made, in the constitution of every system of religious or semi-religious education with which Catholics can be expected to connect themselves.

And this would be still more plain, if it should happen that, after the first publication of the books in question, new circumstances had arisen which either had rendered the books more objectionable, or had called attention to some statements, or some tendencies in them, which might previously have appeared innocuous. Dr. Whately declares (p. 14) his inability to conjecture the reason for selecting for prohibition, from among the three books of combined religious instruction, which had been sanctioned by the Board, his own little "*Lessons on the Truth of Christianity*," or his "*Lessons on Christian Evidences*." Without troubling his Grace with any strictures on the intrinsically objectionable character of the books themselves, might we not suggest, on the part of Catholics, as a possible reason for such selection, the well-known "*Sequel to the Lessons on Christian Evidences*," from

the same archiepiscopal pen? Might not some indistinct memory have arisen in his mind of such passages as the following?

"There is another point in which superstitions very much like those of the Pagans, have corrupted the worship of many Christians. It was remarked in Lesson II. that many of the pagan gods were deceased MEN, whom they had deified on account of some supposed extraordinary excellence of character, and eminent services to mankind or to their countrymen. Such were Romulus, the founder of Rome, (who was worshipped under the name of Quirinus), and Hercules, and Theseus, and a multitude of others.

"Some of these they worshipped as gods, others under the title of demi-gods [half-gods], or heroes. Any man whom his countrymen has been accustomed to venerate very highly in his life-time, they naturally first *wished*, and then *hoped*, and lastly *believed*, might be elevated after death to such an exalted state as to enable him to hear them, and to do them services, either by himself, or by making applications on their behalf to some superior god. And, just as persons in humble life generally apply to a king or other great man, not directly, but through his ministers and other attendants, so a large portion of the pagan worship was addressed to some whom they accounted inferior gods.

"But, moreover, they supposed each of these inferior gods to have a special regard for his own country. Thus Romulus (Quirinus) was the *tutelar* [protecting] god of Rome; and Theseus, of Athens, &c. And even private families had gods of their own, who among the Romans were called 'Lares,' and 'Penates.' And the superior gods also were supposed to have partialities for particular regions or races. Thus Minerva [Pallas] was tutelar goddess of Athens; and Diana [Artemis] of Ephesus; and Juno, of Argos and Samos, &c. The *power* also of many of their gods was supposed to be limited to particular places, or to particular offices. Thus we find the Syrians fancying that the God of Israel was the God of the *hills*, and would not be able to succour his people on the plains. And Castor and Pollux were supposed to protect sailors, &c.

"And, moreover, there were particular images and particular temples, which were supposed to have a superior sanctity above other images and temples of the same god. And, again, some particular temples were resorted to by those who had need of some particular kind of service. Thus, oracles were supposed to be given by Apollo, not in every one of his temples, but only in those at Delos, and Delphi, and some others. And it was the like with respect to various other benefits sought for from several of the gods.

"Such, then, being the natural tendency of mankind, the consequence was, that many Christians, though they did not introduce

into the Christian religion the worship of the *very same* gods which were worshipped by their pagan forefathers, yet fell into the same kind of superstitions. Their deep reverence for the Blessed Virgin, and for the Apostles, and other eminent Christians, led them to hope, and then to believe, that these persons were able, after their departure from earth, to hear any one who called upon them, and to make prayers of intercession for them. And the evil of this practice of invoking departed saints, was—and still is, to many Christians—disguised by their overlooking the difference between asking the prayers of the *living* and of the departed. No doubt many persons entreated (as Simon the Sorcerer did,) Peter or other Apostles to pray for them. And James expressly exhorts Christians to pray for one another, (ch. i. 16). No Christian need scruple to ask any one whom he considers to be a pious and worthy man to pray for him. But when it came to be believed that a holy person, when *removed from the earth*, can hear the addresses of thousands and millions of his votaries calling on him in all parts of the world, this belief did in fact *deify* him. Whatever subtle explanations may be attempted of the way in which glorified ‘saints’ are able to hear, from various regions, and repeat more prayers every day than there are minutes in the twenty-four hours, it is plain that at least the great mass of their worshippers must regard them no less as gods than the ancient pagans did the beings they worshipped.

“The consequence was, that the chief part of the worship which is due to the ‘JEALOUS GOD’ came to be paid to the Virgin Mary, and those other ‘saints’—amounting to several hundreds—who were, from time to time, enrolled [canonized] on the list. And thus did Christians introduce into their religion, under new names, almost every one of the ancient pagan superstitions just above noticed. They knelt before *images* or pictures of the saints they invoked. They attributed particular holiness to some particular image, or chapel, above others dedicated to the same saint. They had patron saints, (answering to the tutelar gods of the pagans), presiding over particular nations, or classes, or persons. One saint, again, was supposed to be peculiarly powerful in procuring some particular kind of relief or benefit, and another in another kind. In short, you have only to look back to what has been just said of the pagan worship, and you will see how closely it corresponds in every point (besides many more which might have been added,) with the worship which has been, in some churches, introduced into Christianity.”—Lessons on Religious Worship, p. 162-165.

Might it not have occurred to him that while a book containing so gross and contemptuous an assault on the religion of Catholics, as the above, and many others equally offensive, was industriously put into circulation :

was paraded* under the title of a "Sequel to the Lessons on Christian Evidences," (which in turn was declared *not* "*different in anything essential*" from the "Lessons on the Truth of Christianity;"†) was addressed to the same class of readers;‡ and abounded with references to the former little work;||—might not some suspicion have occurred to him, that when Catholics became aware of the use to which such an engine as this might be turned by a plausible and unscrupulous adversary, they might feel it a necessary measure, as well of self-respect as of self-protection, to demand the erasure from the proceedings of the Board of a sanction which had been so unwarrantably and so insidiously abused? For our own part, we feel very strongly, that, among the many exhibitions of bad taste which his Grace's friends have had to deplore in him during the progress of his recent controversy, there is none more utterly indefensible than that which could venture upon such an appeal in such circumstances.

But, in truth, the same principle which Dr. Carlile describes as having ruled all the proceedings of the Board as to the first adoption of the books for combined instruction, applies with equal force to every after period of the Board's existence. If, for the security of the religious principles of all parties, it were a fixed principle that the Board should be absolutely unanimous on every topic of combined instruction introduced into their books, surely it ought to follow that the same unanimity should be held necessary for their subsequently continuing to recommend them. Perhaps it might be too much to say that the after objection of a single member should be allowed to overrule all that had been previously done: but assuredly when, as in the present instance, all the members of one entire denomination, (and that the religion of the vast majority of the population,) unite in demanding the withdrawal of a past sanction, justice, as well as policy, should dictate acquiescence in the demand.

Dr. Whately attempts to show that the individual Commissioners are precluded from all interference with the books once sanctioned.

* See Title-page and Preface.

† Advertisement, p. v.

‡ Pref. p. iii.

|| P. 1, 85, 113, 156, 160, &c., &c.

"The books, therefore, published as sanctioned by the Board, were always, it is evident, considered both by advocates and opponents as a part of the system.

"That system no one was compelled to favour and support. If, however, any one on being offered the appointment of Commissioner, found that any of the books, or of the other parts of the system, were what he could not approve, he had only to decline the appointment; or at least to announce to Government *at once* that he could not accept it except on condition of such and such alterations.

"No one was obliged to be a Commissioner. We all accepted the office with our eyes open; and I must ever maintain that we were appointed for the purpose of carrying on the existing system, and not of subverting it.

"I was convinced, therefore, that to make myself at all a party to such proceedings, would be to forfeit all hope of public confidence, and all just claim to it."—Address, p. 19.

Could anything possibly be more monstrous than this? Let it only be applied generally, and we shall send the world back to the days of sinecures, of rotten boroughs, and of every other form of abuse. Dr. Whately we believe is a zealous University and Law-reformer. How, on such principles as these, could he pretend to justify interference with the time-honoured abuses of Oxford or of Dublin University? "No one," replies the sturdy advocate of the *status quo*, "was compelled to take a fellowship, or to undertake (as many of them did by oath,) the maintenance of the good old statutes. If any one found, on being offered the appointment, that there was anything in the system which he could not approve, he had only to declare it; or, at least, he should have stated at once to the governing authorities that he could not accept it, except under such and such alterations. Having failed to do so, he must maintain that he was appointed to carry on the existing system, and not to subvert it." How might the sinecurists rejoice in this comfortable doctrine! What glorious news for Christ Church and Trinity! What a jubilee for the Inns of Court! What tidings of peace for Doctors' Commons! The tenure of their good things have been safe, as long as Dr. Whately's "Easy Lessons" remained on the list of books sanctioned by the Board of Irish Education!

In truth, to entertain, even for a moment, such an argument is, in general, to put an end not only to all progress, but to every possibility of progress; and as regards the

particular case of the Commissioners of Education, it is to contemplate them as mere machines, without a single function of reasoning or responsible men. The attempt to reduce it to practice as the rule of action in the Board, was too weak and short-sighted to be the subject of much alarm. By the votes of no fewer than eleven out of the fourteen Commissioners, it has been declared that the idea of "finality" is henceforth at an end. As the three dissentients have withdrawn from the Board, and have been replaced by three gentlemen whose sentiments on this point admit of no doubt, we may regard it as the settled rule of the Board that every just ground of exception against any of its publications, no matter how sanctioned or of how long standing, is to be held entitled to full and impartial consideration, with a view either to the correction or the withdrawal of any obnoxious publications. And we cannot close without expressing our belief that the signal failure of this arbitrary and ungracious assault on the liberties of the Catholic body, will create a confidence in the justice and integrity of the administration of the affairs of the Board, which will more than counterbalance the temporary embarrassment which it occasioned.

We have thought it our duty to bring this important controversy and its results under the notice of our readers as an illustration of the necessity of close and vigilant attention to all the details of the subject of Catholic education. It has been felt and acknowledged by the wisest members of our body, and by none more than the ever lamented Dr. Murray, that although the System of National Education is satisfactory in practice, yet, in theory, it is very different from what, under more favourable circumstances, we should desire. It is clear, therefore, that our safety lies in a jealous and vigilant scrutiny of all practical details, with a view both to neutralize what may appear perilous, and to supply whatever may seem defective. By the Eighth Rule, as it now stands, Catholics are at perfect liberty to use all the advantages offered by the system for the *combined secular* and literary education, without in any way committing themselves, either by the use of books, or in any other way, with those parts of the plan which were designed to carry out the idea of a *common religious* instruction. It is clearly their duty in all cases so to do. But it would be a fatal mistake to suppose that their duty ends here. What we regard as the

very best and most promising element in the constitution of the system is the facility which it offers to us, if we but use it zealously, systematically, and fairly, for securing to our children the advantages of a solid *separate religious education*. Over this portion of the working of the system we possess the most complete and unlimited control; and we shall have a weighty responsibility, if, while we waste our energies in seeking for theoretical perfection, we fail in practice to improve the actual opportunities which we possess.

This is a view of the subject on which we are prevented by the limits of such an article as the present, from entering at such length as its importance demands. But we know that we have the feeling of the community with us, when we say that too much indifference and inactivity have prevailed in reference to what all admit to be a most important department of the spiritual concerns of our body. We do not allude merely to the detailed inspection and supervision by the local clergy of each particular school; although this is a portion of clerical duty, the importance of which is often underrated, at least if we may judge from the results. We refer rather to the absence of any combined and systematic effort towards the improvement of the materials for our own *separate* religious instruction, as contradistinguished from the *common* instruction imparted by the Board. It is a subject which might well engage the attention of the highest and the most learned among us. There are many practical improvements which a little organization would make easy and effectual. It would not be difficult, for instance, to procure the compilation of a really solid and interesting series of little books for religious education; comprising not merely catechetical instruction on all doctrinal and moral subjects, but also simple and easy lessons of sacred history, select examples of instructive biography, moral and religious tales, which might improve without wearying the young reader; and above all, a cheap and popular periodical literature, free from the dangerous elements which characterize everything of the kind now within reach of the poor, and at the same time, of a character to ensure respect and confidence by the excellence and attractiveness of its materials. Much of our plan, no doubt, extends beyond the limits of mere school education, and may seem inappropriate in a paper like the

present. But we gladly take this occasion to throw out the general suggestion; fully satisfied that it would not be found difficult, even in the case of the poor, to connect the ordinary instruction of the school with a more extended, a far more impressive, home education. And although past experience may lead some persons to look despondingly on the prospects of such a scheme, we believe that, if undertaken in concert by a body of active and disinterested men, and as part of an organized system, it might be made the instrument of incalculable good, not alone to the young generation, but to the entire Catholic community in Ireland.

NOTICES OF BOOKS.

- I.—*Literary Fables*. From the Spanish of Yriarte. By ROBERT ROCKLIFF. London, Longman, Brown, &c., 1851.

THESE quaint and clever fables have found a translator who has done them ample justice, and rendered them an acquisition to our lighter literature. We have seldom met with versification more fluent, spirited, or graceful, than that of Mr. Rockliff;—and he has given specimens of a great variety of metres, all admirably handled. We are glad to hear of the decided success of this work, and we are sure all lovers of fable, will be delighted to meet with the shrewd wisdom of the Spanish proverbs, transfused into this graceful and ingenious form.

- II.—*Conferences of the Rev. Père Lacordaire*. Delivered in the Cathedral of Notre Dame, in Paris. Translated by HENRY LANGDON, and dedicated to his Eminence Cardinal Wiseman. Richardson and Son: London, Dublin, and Derby, 1853.

MR. LANGDON has accomplished a great work, and rendered a real service to his countrymen, in thus making these famous Conferences better known, and more popular amongst them; and the task which he undertook, he has

well fulfilled ; for he has rendered the full meaning of the Preacher into such a good and flowing style, that the English reader will be sensible of no loss ;—find no interruption to his pleasure in perusing these magnificent compositions. Of the value of these famous conferences, we cannot speak highly enough ;—but let the reader bring to his mind's eye the audiences to whom they were delivered, and the results which were produced by them, and he will appreciate it without difficulty. Père Lacordaire's congregation was composed exclusively of men,—Parisians,—keen-witted, sceptical, logical thinkers ; imbued, nevertheless, with such a dash of sentiment and fervour, that no mere abstract reasoner could have excited them. For thirty-six nights the great cathedral of Notre Dame was filled to inconvenient pressure, by such listeners as these, and the venerable monk carried their hearts by storm. Then, probably, was the commencement of that religious impulse amongst the intellectual classes in Paris, which has since received so great a development, and which is, we trust, communicating fresh activity and zeal to our portion of the Church.

III.—*Geology in its Relation to Revealed Religion.* Dublin : Bellew, 1853.

The object of this book is important and apposite. It is to show, by a searching analysis of the whole matter, that the really ascertained facts of Geology are in conformity with, and confirmance of, the truths of Revelation. One by one, almost all the great sciences which infidelity had wrested out of the bright circle of truth, and made stumbling-blocks and distractions, have been restored to their orbit ; and it was the proud and loving labour of some of our ablest minds to do it. But Geology, practically speaking, still remains in the hands of the enemy. It is perhaps the only science, amongst us at least, whose study is almost necessarily a danger, and whose advocacy is almost always a scandal. Scepticism has, as it were, retreated to it, and made its own of it,—confidently asserts that *its* conclusions, at any rate, are incompatible with Revelation—and tries to revive something of the old horrid sneer at the “vulgar” credulity of Christian faith. The assured believer, of course, smiles at this. He knows that *omne verum vero consonat*. He pities the poor burrower into a

few feet of the earth's surface, who ventures to set his wild guesses against God's word, and the concurrent testimony of all sciences and all facts in God's world.

But he grieves too. He grieves that knowledge should be distorted and retarded. He grieves that souls should be distracted and endangered, and he will thankfully welcome any really able, conscientious, and efficient attempt to remedy the evil.

Such an attempt is the present. After a very careful and critical perusal, while we are far from making ourselves responsible for all its opinions, we recommend it to the Christian as an interesting and solid treatise, and to the enquirer as a striking and conclusive argument. One thing in the marrow of it we heartily approve, namely, its scrupulous *fairness*. From cover to cover there is evidently not a conscious equivocation. It is plain that the writer loves truth too well to use any weapons in her defence but those she would sanction. He would rather encounter a hundred difficulties than be guilty of a single evasion. His large number of references are made with an accuracy the more pleasing because it is quite unostentatious. He states objections with a fulness and frankness, and meets them with a spirit and candour which, while they give confidence to the reader, impart almost a dramatic vivacity to the arguments. But he is as cautious as he is candid. We have here none of the rash and fanciful theories, or the oblique and wire-drawn deductions which frequently bring truth into discredit, by exposing its advocacy to well-founded objections. The writer has thoroughly grasped and mastered his topic. His mind is a strong, keen, and shrewd one, well trained to enquiry and argument. His industry has been curiously extensive and exact. He brings to bear upon his subject an ample acquaintance with the cognate and related sciences,—Chemistry, Natural History, Botany, Astronomy, Physical Geography, Mineralogy, &c. Yet he hardly ever attempts more than analysis and comparison—enquiring into what Geology has actually proved, and confronting this with revealed truth; or, in his own words, “distinguishes useful and interesting knowledge from idle and absurd speculations, divests scientific truths of any semblance of fable and romance, substitutes arguments based on reason and religion for theories founded upon vague and insufficient data, and elevates to its legitimate position among modern

branches of knowledge a science hitherto of no good repute, on account of the irreligious purposes to which it had been perverted." His clear and manly style, and the interesting distribution of the subject, contribute much to the result, while the compact form and trifling price of the volume put it within reach of all. On the whole we thank the writer; he has done a service to the cause of science, and a charity to the souls of men.

VI.—*The Old Village Church*, by M. A. MOTLER, author of the "Adieu and Return." London, Dublin, and Derby: Richardson and Son, 1853.

We do not find it easy to give an adequate idea of this charming little work, which we cordially recommend to our readers. It is exquisitely written, rising often to the height of genuine poetry; and we perceive in it, what we have often had occasion to remark,—that the mind which yields itself fearlessly to what is called 'enthusiasm'—in other words to the feelings of deep love, and a quick perception of poetic beauty; does in fact penetrate most nearly to truth; flashes upon it the brightest light, and even draws from it the most practical instruction.

The text of the work is simple;—the old village church, rising as we have so often seen it, in its time-worn beauty; yielding itself meekly to the uses of a new race, and a new religion, while, from every stone in its walls, a mournful voice seems repeating: "we were not made for this." The author re-traces time to the days when it was built, "when pious men had laboured hard and given freely; and it stood, a splendid pile—a fair, strong, real, yet a symbolical structure;"—then it was to be given to God; and the author calls up vividly to the mind's eye the stately ceremonial, the splendour, the mystic meaning, the sublime ritual, which the Church employs in the consecration of her edifices. Beginning then with Advent, we see the whole circle of the Christian year, as it revolves within the House of God;—see the villagers as they enter, depart, return again, and linger lovingly round its sacred portal, evermore open to invite them to some spiritual refreshment, to some holy and sweet excitement of their better natures. It is much to say—but it is true, that after reading these pages we seem to feel a keener perception of the intolerable loss society has sustained from what they are pleased to call "the Reformation." Then comes

a change—we pass from the Church, when it was glowing beautiful, important ; alive with the warm hearts of men ; itself the heart of the city, the haven of the wilderness :—we return to it as it stands now, and recognize trait after trait in the description of its present services, ministers, and congregation. The beautiful writing of the author does full justice to the contrast ; it is one which sinks deeply into the heart.

V.—*Practical Piety set forth by St. Francis de Sales, Bishop and Prince of Geneva*, collected from his Letters and Discourses, and now first translated into English. London, Burns and Lambert, 1851.

Perhaps few manuals of devotional reading could be pointed out, more admirably adapted than the work before us to persons living in the world. St. Francis de Sales was himself a man of elegant accomplishments, and lived much in the world, and was experienced in the great controversy with Protestants, which was the trial and the cross of his days, as it is of our own ; with Protestants he appears to have been eminently successful, the sweetness of his manners and temper, being equal to the fervour of his zeal. Well accustomed by his mode of life to all varieties of character, of opinion, and of circumstance, St. Francis had, moreover, natural qualities, which fitted him especially to be an excellent director to persons living in the world. He had great sweetness and refinement of disposition, and experience had perfected a judgment naturally accurate and sound. There can be no doubt, therefore, that to many the directions of St. Francis will be more acceptable than any devotional work that could be offered them. Nothing, indeed, can be more practical, more simple, or more useful than they are, nothing more pleasing than the persuasive, almost friendly, style in which they are conveyed. The admonitions which have been selected from his various works, embrace the whole circle of a Christian's life ;—our duties to God, to our neighbour, to ourselves, and finally, the higher exercises of devotion. Truly may we say of them, that “there breathes throughout them such practical wisdom, such gentleness, such sweetness, and frequently what we may call such a majesty of holiness, that, whilst they enter into the difficulties and scruples of the weakest, they furnish food for those who are strongest ; so that we seem not so

much to be reading the writings of a saint, as hearing his living voice addressed to ourselves."

VI.—*The Youth's Director, or Familiar Instructions for Young People*, which will be found useful, also, to persons of every sex, age, and condition. With a number of historical traits and edifying examples. New York: Dunigan and Brother, 1851.

This work is originally French; translations of it have gone through many editions in Canada and in the United States, where it has received very high sanction. It is not, however, a book which we can recommend for young persons, or which is likely, we think, to be much used in this country. The austerity of many of the maxims we consider to be really dangerous—applied indiscriminately and absolutely as they are—unsuited to the present state of society, and not without some risk of becoming an occasion of sin rather than of edification. The instructions are given in a tone of pedantry and exaggeration,—anything but persuasive; nor can we admire the selection of "historical traits" or "edifying examples" by which they are enforced. It is an odd jumble of stories from the bible (beginning with that of "the young lady named Susanna"), and of *nouvellettes*, more or less authentic, and not always, we think, in the best taste.

VII.—*Gospel Stories for Catholic Children. First Series.* London: Burns and Lambert.

We hope this little work may be carried on, for the plan of it is a good one;—that of conveying to very young children a knowledge of the Gospel, such as their tender minds may take root in and grow up upon. Accordingly, the birth of our Blessed Lord, some of the incidents of his life, and two of his parables, are recounted to the child, in such simple and loving language as a mother would naturally use. Pains have been used to make each story distinct to the child's apprehension; they are not *over-laid* with moralities, but offer reflections which flow from them naturally, are of certain utility, and are in a measure *doctrinal*. Let us add one more homely, but very practical encomium,—the print is large and clear; this is of greater importance than many people suspect to the unpractised eyes of childhood.

VIII.—1. *The Offices of the Holy Week*, printed in full, and pointed for Recitation or Chanting, to which is added the *Office of Lauds for Christmas*. London: Burns and Lambert, 1852.

2.—*Office of the Blessed Virgin Mary*, according to the use of the Carmelite Order. London: Burns and Lambert.

We are always glad to see such publications as these, which admirably second the desire now entertained for an accurate, as well as a general acquaintance with the Offices of the Church; those here reprinted have always been popular, and they have been arranged in the best and most convenient manner, in Latin and in English. The Office for Holy Week is given entire, to avoid the necessity for turning back to psalms previously printed; and the pointing and accentuation are marked with distinctness and accuracy, for the assistance of those who sing the Office. The books are beautifully printed, and conveniently small for the pocket.

IX.—*Annie and her Aunt*, by a Convert to the Catholic Church. New York: Dunigan and Brother, 1851.

A very pretty story, which we recommend with much pleasure.

X.—*Poems, Dramatic and Miscellaneous*, by CHARLES JAMES CANNON, Author of the "Poet's Guest," "The Crowning Hour," &c. New York: Dunigan and Brother, 1851.

This collection of pleasing and elegant trifles is the last, we are told, in which the author can indulge himself or his readers. "Necessity, the stern Sara of his tent, having demanded once and for ever the expulsion of the poor Hagar Poesy." We regret the self-interdiction, and its necessity, and hope neither may continue. Mr. Cannon has the sort of mind which must find genuine solace in poetry,—the kind of talent which seldom fails to give pleasure; his present poems are melodious in versification, pure in taste and in feeling, simply expressive. Some of his shorter poems are most pathetic; and they have one of the great merits of our elder bards,—they have scarcely one redundant epithet, or laboured turn of expression.

CONTENTS OF No. LXX.

ART.		PAGE
I.—1.	The Divine Rule of Faith and Practice; or, a Defence of the Catholic Doctrine that Holy Scripture has been, since the Times of the Apostles, the sole Divine Rule of Faith and Practice to the Church. By WILLIAM GOODE, M. A. Three vols. 8vo. Second Edition, revised and enlarged. London: Jackson, 1853.	
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5.	The Evidence of Scripture against the Divines of the Roman Church. By the Rev. SANDERSON ROBINS, M. A. London: Longmans.	
6.	The Finger of God. By the Rev. JOHN CUMMING, D. D. London: Arthur Hall, Virtue and Co., Paternoster Row.	
7.	The Counter Theory. London: J. H. Parker.	... 273
II.—1.	The Creed of Christendom: its Foundations and Superstructure. By W. RATHBONE GREG. 8vo. London: John Chapman, 1853.	

CONTENTS.

ART.	PAGE
2. Pensées sur le Christianisme, Preuves de sa Verité. Par M. JOSEPH DROZ, Membre de l'Academie Fran- çoise. Bruxelles, 1844.	
3. Aveux d'un Philosophe Chrétien. Par le même. Paris : Jules Renouard, Libraire, Rue de Tournon. 1848.	336
III.—Cereimonial according to the Roman Rite. Translated from the Italian of JOSEPH BALDESCHI. With the Pontifical Offices of a Bishop in his own Diocese, &c. &c. By J. D. HILARIUS DALE. London : Dol- man, 1853.	362
IV.—1. The Life and Opinions of Wycliffe. By the Rev. R. VAUGHAN. London : Jackson and Walford, 1830.	
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5. An Apology for Lollard Doctrines (Attributed to Wycliffe). By the same Editor. London, 1842.	382
V.—Reminiscences of an Emigrant Milesian.—The Irish Abroad and at Home ; in the Camp ; and at the Court : with Souvenirs of "The Brigade." 3 vols. 8vo. London : Bentley, 1853.	438
VI.—1. Hippolytus und Kallistus ; oder die Römische Kirche in der ersten Hälfte des dritten Jahrhunderts. [Hippolytus and Callistus ; or, the Roman Church in the first half of the third century.] Von J. DOEL- LINGER. 8vo. Regensburg, 1853.	
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CONTENTS.

ART.

PAGE

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3. Ueber die neu-entdeckten Philosophumena. [On the newly-discovered Philosophumena.] Von Dr. Her-genröther. [Theologische Quartal-Schrift, von Dr. v. Drey, Dr. v. Kuhn, Dr. Hefele. Dr. Welte, Dr. Zukrigl, und Dr. Aberle, Dritter Quartal-heft 1852.] Tübingen, 1852.
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CONTENTS.

ART.	PAGE
VII.—Demetrius the Impostor; an Episode in Russian History. By PROSPER MERIMEE, of the French Academy. Translated by ANDREW R. SCOBLE. London: Bentley, 1853.	492
Notices of Books.	516